United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, SECOND SESSION

Vol. 154 WASHINGTON, THURSDAY, SEPTEMBER 25, 2008 No. 153

House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. TAUSCHER).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 25, 2008.

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

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

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

Lord, Your Divine Providence has inspired people to seek elected office and serve the public. Still others come as volunteers or become staffers who find work in government. Most come because they wish to make a difference. The desire You place in their hearts moves them beyond self to help shape a better America and recreate the face of the Earth along the ideals and hopes of Your kingdom.

Not content to simply ''go through the motions'' or ''settle for the status quo,'' they are restless to seek for something better, something greater for the American people as a whole.

Such patriots make themselves greater by pursuing something greater than self, by listening to others. They step into the forces of contradictory causes, try to reconcile differences, find the common ground, and make unity amidst diversity a living reality day by day.

We praise You, Lord, for those who offer their minds and their hearts, as well as the work of their hands, to make government of the people work for the people. Their dedication and efforts move us as Americans to bless and thank You, now and forever.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. SAM JOHNSON of Texas led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

H.R. 6370. An act to transfer excess Federal property administered by the Coast Guard to the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 928. An act to amend the Inspector General Act of 1978 to enhance the independence of the Inspectors General, to create a Council of the Inspectors General on Integrity and Efficiency, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 2840. An act to establish a liaison with the Federal Bureau of Investigation in United States Citizenship and Immigration Services to expedite naturalization applications filed by members of the Armed Forces and to establish a deadline for processing such applications.

S. 3550. An act to designate a portion of the Rappahannock River in the Commonwealth of Virginia as the ''John W. Warner Rapids''.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

HUMAN RIGHTS SITUATION DETERIORATING IN VIETNAM

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

Ms. LORETTA SANCHEZ of California. Madam Speaker, I rise today to bring urgent attention to the deteriorating human rights conditions in the country of Vietnam.

Most recently, Vietnamese students and bloggers have been harassed and detained for peacefully voicing their concerns about the Vietnamese government's policies. It is becoming increasingly evident that the Government of Vietnam is not living up to its commitment to honor and to protect human rights.

This month, over 3,000 Vietnamese Catholics were harassed by Hanoi's police with tear gas, electric batons and other repressive measures while attending a peaceful Thai Ha prayer vigil. We are continuing to see more and more activists being detained and imprisoned for exercising their freedom of speech, religion and expression, rights that are guaranteed under the International Covenants on Civil and Political Rights.

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This week, I, along with six other Members, sent a letter to President Nguyen Minh Triet to express outrage over Vietnam's ongoing human rights violations, and to urge the Government of Vietnam to stop using violence against its own people.

I encourage my colleagues to continue addressing this serious issue and speaking out for those in Vietnam who are putting their lives in danger in the name of freedom.

TAXPAYERS DESERVE ANSWERS AND ACCOUNTABILITY ON WALL STREET BAILOUT

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

Mr. SAM JOHNSON of Texas. Madam Speaker, the news on this Wall Street bailout has me fuming. Taxpayers want, need, and deserve answers and accountability. The Treasury Secretary should not have the authority to spend $700 billion with zero oversight.

Meanwhile, a provision in the bill says that banks that bought Fannie Mae and Freddie Mac preferred stock get better tax treatment than an individual who bought preferred stock. That is wrong. Why shouldn't banks be held responsible for their mistakes?

I am not sure this is the best way to fix the problem. We need to discuss serious alternatives before we ask Americans to shoulder billions in additional debt.

Hundreds of my constituents have called outraged at this Wall Street rescue. They want to know when we are going to bail them out.

I am outraged too. Taxpayers deserve better from America.

REJECT FUNDING FOR ABSTINENCE-ONLY EDUCATION PROGRAMS

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

Mrs. CAPPS. Madam Speaker, 750,000 American teenagers will become pregnant this year. This is clear evidence of a serious problem in our country. According to the National Campaign to Prevent Teen and Unplanned Pregnancy, teen parents are less likely to complete their education and more likely to depend on welfare.

Unfortunately, for the last several years the Bush administration has insisted we waste money on abstinence-only education programs that the GAO has deemed ineffective. In fact, a University of Washington study revealed that students who receive comprehensive sex education are less likely to become teen parents than those who receive abstinence-only information.

Not surprisingly, my home State of California, which rejects title V abstinence-only funding, has a teen birth rate that is lower than the national average.

Madam Speaker, we need to teach our children commonsense decision-making skills and not withhold vitally important health information from them. I urge my colleagues to join me in rejecting any future funding for abstinence-only education. Instead, let's spend it where we will see real results.

A SHOOT-FROM-THE-HIP DECISION?

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

Mr. POE. Madam Speaker, they tell us that we are facing financial Armageddon. They tell us we must buy our way out of this. They tell us we must act now or the country will fall into the abyss.

The plan? A $700 billion bailout will be given to the very people who are responsible for this financial mess: Wall Street money grabbers. And to top it off, the idea for this bailout is from the same financial schemers who themselves are responsible for this chaos.

We in Congress have to resolve three issues first: What is the problem? What caused the problem? And what is the solution?

We are still debating what the problem is and what caused it. Until we figure that out, we should not come up with a shoot-from-the-hip, quick-draw decision on what to do.

We have spent more time in congressional hearings on steroids in baseball than we have in discussing this $700 billion ripoff of the American people.

Before we strong-arm American citizens into paying for the sins of New York City financial markets, we need to do more investigation. Then we can come up with the right thing to do and make sound judgments—sound judgments that the so-called experts from Wall Street don't make.

And that's just the way it is.

SERGEANT RAFAEL PERALTA, AN IMMIGRANT AND A TRUE AMERICAN HERO

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

Mr. BACA. Madam Speaker, I stand here to honor a true American hero, Sergeant Rafael Peralta, an immigrant that made the ultimate sacrifice for this country, using his body as a shield to protect his fellow marines from a grenade blast.

Peralta's story is an example of the heroes that love this Nation. For his disregard of personal safety and heroism, his commander recommended him to be awarded the Medal of Honor. This was not the case. Sergeant Peralta was awarded the Navy Cross, which is also an extraordinary feat.

However, his sacrifice merits that of the Medal of Honor. That is why I have joined my colleagues in asking the President to review this case.

Sergeant Peralta is a true example of how much many immigrants in America love this country. No one can deny Peralta's love for this country, having joined the United States Marine Corps right after becoming a legal permanent resident.

Recognizing the sacrifice of Peralta, America cannot turn her back on immigrants.

I urge my colleagues to support comprehensive immigration reform.

WE NEED A CAUTIOUS AND COMPETENT APPROACH

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

Mr. WILSON of South Carolina. Madam Speaker, hardworking Americans understand that our Nation's financial markets are very fragile. The American people are rightfully concerned when they see a $700 billion price tag on a plan to address this crisis. They are hesitant to give the Federal Government an extraordinarily large amount of taxpayer dollars, especially before the right questions and the right concerns have been given their due process.

This Nation has a long history of balancing the needs of a market economy and the realities of government involvement in those markets. We have weathered our fair share of storms as well. Before Congress endorses a multibillion dollar effort to address our financial situation, it would serve this Nation and the wallets of those we represent not to forget that history.

We need a full review of different alternatives to a simple bailout. Otherwise, we risk placing a daunting financial burden on our children's futures.

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

TAXPAYERS BEING ASKED TO PAY FOR A GRAND OLD PARTY ON WALL STREET

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

Mr. DOGGETT. Madam Speaker, in somber terms last night, President Bush described a crisis as if it had emerged on Wall Street from outer space. Never accepting any personal responsibility, this is the man who chased the sheriff off Wall Street while it had a party, a grand old party.

That infamous Republican earmark, that Bridge to Nowhere up in Alaska, it carried a hefty price tag, $223 million. Well, what President Bush is now asking Americans to do is to pay for the equivalent of 4,500 Alaskan bridges, a $1 trillion gold-plated, diamond-encrusted bridge to Wall Street.

And our job here in Congress is to ask, is this just another Bridge to Nowhere, and ask why is it that the party-goers don't have to pay for the party? Why should American taxpayers and future generations of Americans

have their future mortgaged to pay for a party they never participated in?

MEDIA SHOULD PROVIDE BALANCED ELECTION COVERAGE

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

Mr. SMITH of Texas. Madam Speaker, it is not easy to find a news magazine without either Senator OBAMA on the cover or gratuitous attacks on Senator MCCAIN and Governor Palin in its articles. For example, Newsweek magazine this week published an article suggesting that Governor Palin's faith in God makes her less qualified to be Vice President. That is an amazing lack of grace.

This marks the latest shot fired in the media's all-out assault on Governor Palin's campaign to become America's first woman Vice President. No wonder Americans, by a 10-to-1 margin, believe the media are trying to hurt Governor Palin, according to a Rasmussen poll.

Newsweek is the same magazine that has featured Senator OBAMA on its cover six times this year, compared to only three times for Senator MCCAIN.

Americans need balanced coverage during this election, and should demand that the media provide it.

SECRETARY PAULSON'S SOLUTION TO THE URGENT FINANCIAL CRISIS IS WRONG

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

Mr. HOLT. Madam Speaker, Secretary Paulson's solution to the urgent financial crisis is wrong. The problem is that the financial institutions have been trading securities whose value they don't know and can't know because bad mortgages are mixed in with good mortgages in indeterminate amounts.

For any problem, you should go to the root in order to solve it. The root here is that the bad mortgages mixed with the good mortgages have poisoned the financial papers. In buying those papers, the taxpayers won't know whether they are getting any value for their dollar, and neither Paulson nor the market will be able to determine the value. So go to the root. Repair the bad mortgages. It will help Wall Street and Main Street. It will restore confidence, liquidity and solvency.

There is an antecedent. The Homeowners Loan Corporation in the 1930s dealt with a crisis of bad mortgages, put up $70 billion in today's dollars and rescued 1 million homeowners. It worked.

□ 1015

LOWERING GAS PRICES, CREATING JOBS

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

Mr. BOUSTANY. Madam Speaker, as I travel across my district, helping with hurricane recovery, I am proud of the can-do spirit of the people of southwest Louisiana. Hurricanes Gustav and Ike caused amazing damage throughout my area, but neighbors are helping neighbors.

These two storms also highlight the importance of American energy production in the Gulf of Mexico. High gas prices are affecting our food prices, the economy in general, and people's pocketbooks directly.

Throughout August, I joined my fellow House Republicans in urging Speaker PELOSI to bring Congress back in session to help American families struggling with the dramatically high gas prices, but she refused.

Now we can act. We can increase and diversify our energy supply, become less dependent on foreign sources of oil and create good high-paying American jobs. Many of these energy jobs are going overseas, but we can keep them right here in America.

By harnessing all of America's vast resources, we can help Americans in the short term and into the future. Let's do the responsible thing. Let's open parts of our deepwater coasts for energy exploration and pass a comprehensive energy bill. Let's begin to reduce the price at the pump.

WHILE REPUBLICANS WANT MORE OF THE SAME, DEMOCRATS ARE WORKING TOWARD CHANGE

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

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, there is a reason that the American people are demanding real change this year. Nearly 8 years ago, this administration inherited a Nation that was well respected abroad, fiscally sound and economically stable.

Today, thanks to misguided policies and arrogance, President Bush has left our Nation's security in a more precarious and dangerous position. On the budget front, President Bush and congressional Republicans have turned a projected 10-year budget surplus of $5.6 trillion into a projected 10-year deficit of $3.4 trillion.

On the economic side, home foreclosures are at record highs, wages are stagnant. More than 600,000 jobs have been lost this year alone, and Wall Street is in crisis thanks to this administration looking the other way for 8 years.

The administration is now looking for a $700 billion recovery package with absolutely no strings attached. While they are trying to recast themselves as the agents of change, we know better. They have built a record of failure over the last 8 years, and America cannot afford more of the same.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to not engage in personalities toward the President or the Vice President.

HELPING HOME MEAL DELIVERY VOLUNTEERS

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

Mr. LATTA. Madam Speaker, I had the pleasure of meeting with home delivery volunteers in the Fifth Congressional District on Monday to discuss H.R. 6675, a bill I introduced in July.

H.R. 6675 would increase the standard deduction for home meal delivery volunteers from the current rate of 14 cents per mile to 58.5 cents per mile. Home meal delivery programs across the country are losing volunteers as the cost of gasoline continues to rise.

This legislation will help retain and recruit additional volunteers to carry out this important work. For those who receive home delivered meals, these volunteers serve an important role in delivering meals that provide needed nourishment, in addition to boosting the morale and spirit of those individuals.

As we continue to debate the comprehensive energy reform policy in Congress, we must be aware of the important contributions volunteers have on our great country. Volunteer firefighters, civic group leaders, and others who give so much of their time and resources are what make our community and our country a great place to live, work, and raise a family.

MCCAIN DEREGULATION AGENDA WOULD BE DISASTROUS FOR MIDDLE CLASS AMERICANS

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

Mr. PAYNE. Madam Speaker, as Americans everywhere are feeling the effect of President Bush's failed economic policies, Senator JOHN MCCAIN has once again demonstrated that if he wins in November, he will not only continue those same failed policies, but he will expand them to the health care industry.

Just last month, Senator MCCAIN, in an opinion that he wrote, said that the health insurance market should be run more like the banking industry has been during the last decade. Can you imagine that?

As you can imagine, this would be a disaster for American families. By creating a deregulated national marketplace, health insurance companies could sell plans that lack even the most basic consumer protections, creating high out-of-pocket expenses and allowing insurance companies to break promises to pay medical bills.

The latest financial meltdown on Wall Street highlights the need for a government to regulate big business. We need a referee on the field. Not only does Senator MCCAIN disagree with that belief, but he wants to take the referee out of health care, leaving all Americans to fend for themselves.

That's not a change the American people can believe in.

THE BAILOUT

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

Mrs. BACHMANN. Madam Speaker, over the weekend Secretary Paulson asked taxpayers to pony up an astonishing $700 billion to buy financial services sector debt on top of the existing bailouts that are already implemented this year. All told, that amounts to an astonishing $1.5 trillion.

Spending at this proportion doesn't just impact a fiscal year, it will impact generations of prosperity. We are told that the consequences of inaction, even of deliberative action, will be severe, but I am concerned that the consequences of hasty action could be just as dire. I have had hundreds of constituents call my office, as have my colleagues, over the last 2 days, asking this question. They are all expressing skepticism for this plan.

They remain unconvinced, as I remain unconvinced, that they will get much result for their investment. We should not be in the habit of writing blank checks. We should not rush to take action in a week when the consequences could last several lifetimes, because the forgotten man in all of this is the everyday American taxpayer.

It's with them in mind that we should fully focus on our responsibilities and not rush to judgment because of an artificial deadline.

HUNDREDS OF BILLIONS OF DOLLARS OF DEFICIT SPENDING

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

Mr. INSLEE. Madam Speaker, listening to the President last night, I had a very disturbing sense of déjà vu, or actually, maybe, appropriately, déjà voodoo.

I remember the situation where the President said we had this threat to the country, we had to respond in Iraq. He then went on to foist hundreds of billions of dollars of deficit spending in the Iraq war, without paying one single dime in a fiscally responsible way to do it.

Last night he did exactly the same thing. He attempted to foist somewhere between 200, 500, 700 billion dollars of deficit spending on the American people. When you do deficit spending, you ultimately put the cost on middle-income taxpayers in America.

This President, if he believes this crisis is so bad, needs to come to the American people and put the cost on the folks who got us into this predicament, the industry that created this crisis, not on middle-income taxpayers.

This is fiscal irresponsibility. It will not stand.

WE ARE NOT LEARNING FROM HISTORY

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

Mr. GOHMERT. Madam Speaker, we are told that those who have refused to learn from history are destined to repeat it, and it is true. We are not learning from history.

I love the President, and I disagree about Iraq. But last night, the statements that came to a conclusion had an extremely faulty premise, and that premise was that the Federal Government is the only one that can properly manage these assets long enough, that has the patience.

That's ridiculous. We serve in this Congress. We can't even keep the same incentives in place for a year or two.

China, we just heard, is now telling its banks, don't loan to us. They are totalitarian, and we should be concerned about it, but they are moving toward capitalism. Let the private sector make its money and pay us tax. We are moving that way.

This will be the biggest socialist move in American history, and it breaks my heart that so many are thinking maybe this is all we can do. The Soviet Union lasted 70 years when they did this type of thing.

We won't make it that long. I beg colleagues on both sides, let's look at this and not move socialist.

DISASTROUS ECONOMIC POLICIES

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

Ms. SPEIER. Madam Speaker, our President had an opportunity last night, and he blew it. He could have reasserted his leadership by accepting responsibility for his disastrous policies, but he took a pass. Instead, he chose to blame the American people.

Well, Mr. President, the American people did not spend the last 7½ years deregulating Wall Street. You did. The American people didn't spend $12 billion a month on an unnecessary war. You did. The American people didn't come up with the idea to give tax breaks to oil companies. You did.

Whatever happens at the White House today, I can only hope that the man and the party responsible for this crisis finally decide to do the right thing. The American people are forgiving. It's time to man up and admit that your disastrous economic policies got us into this mess.

Then, as we always do, we can all work together to repair the damage.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

PRESERVE THE AMERICAN ECONOMY

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

Mr. COHEN. Madam Speaker, this first year of Congress for me is about to end, and the 110th Congress is about to end. It is important that we come together on this floor and in this Congress in a bipartisan manner to preserve the American economy.

Whose fault it is—I think the American people know whose fault it is. There were 6 years of a Republican President, a Republican Senate, a Republican House, and a lack of regulations and a lack of regard to the economic conditions that brought about this situation, but now is the time to fix the mess.

Whether you are a first-year Member, a senior Member, a Democrat or Republican, when you make a mess, you clean it up. It's our responsibility to do it in the proper way with oversight, with the American taxpayer at the base of our concerns to make sure we do it right.

We are in for historic times. The Democratic Party and the Republican Party need to come together, and we need to have a solution to keep America strong.

God bless the United States of America.

PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. CARDOZA. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1491 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1491

Resolved, That it shall be in order at any time on the legislative day of September 25, 2008, for the Speaker to entertain motions that the House suspend the rules relating to the following measures:

(1) The bill (H.R. 928) to amend the Inspector General Act of 1978 to enhance the independence of the Inspectors General, to create a Council of the Inspectors General on Integrity and Efficiency, and for other purposes.

(2) The bill (S. 2324) to amend the Inspector General Act of 1978 (5 U.S.C. App.) to enhance the Offices of the Inspectors General, to create a Council of the Inspectors General on Integrity and Efficiency, and for other purposes.

(3) The bill (S. 1046) to modify pay provisions relating to certain senior-level positions in the Federal Government, and for other purposes.

(4) The bill (H.R. 6045) to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to extend the authorization of the Bulletproof Vest Partnership Grant Program through fiscal year 2012.

(5) The concurrent resolution (H. Con. Res. 214) expressing the sense of Congress that the President should grant a posthumous pardon to John Arthur ''Jack'' Johnson for the 1913 racially motivated conviction of Johnson, which diminished his athletic, cultural, and historic significance, and tarnished his reputation.

(6) The bill (H.R. 4120) to amend title 18, United States Code, to provide for more effective prosecution of cases involving child pornography, and for other purposes.

(7) A bill relating to webcasting.

(8) The bill (H.R. 1777) to amend the Improving America's Schools Act of 1994 to make permanent the favorable treatment of need-based educational aid under the antitrust laws.

(9) A bill relating to India nuclear cooperation.

(10) The bill (H.R. 176) to authorize the establishment of educational exchange and development programs for member countries of the Caribbean Community (CARICOM).

(11) The bill (H.R. 2553) to amend the State Department Basic Authorities Act of 1956 to provide for the establishment and maintenance of existing libraries and resource centers at United States diplomatic and consular missions to provide information about American culture, society, and history, and for other purposes.

(12) The bill (H.R. 3202) to amend the Foreign Service Act of 1980 to extend comparability pay adjustments to members of the Foreign Service assigned to posts abroad, and to amend the provision relating to the death gratuity payable to surviving dependents of Foreign Service employees who die as a result of injuries sustained in the performance of duty abroad.

(13) The bill (S. 3426) to amend the Foreign Service Act of 1980 to extend comparability pay adjustments to members of the Foreign Service assigned to posts abroad, and to amend the provision relating to the death gratuity payable to surviving dependents of Foreign Service employees who die as a result of injuries sustained in the performance of duty abroad.

(14) The bill (S. 3052) to provide for the transfer of naval vessels to certain foreign recipients.

(15) The bill (H.R. 2798) to reauthorize the programs of the Overseas Private Investment Corporation, and for other purposes.

(16) The bill (H.R. 3887) to authorize appropriations for fiscal years 2008 through 2011 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes.

(17) The bill (H.R. 1157) to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

(18) The bill (H.R. 6568) to direct the Secretary of Health and Human Services to encourage research and carry out an educational campaign with respect to pulmonary hypertension, and for other purposes.

(19) The bill (H.R. 3232) to establish a nonprofit corporation to communicate United States entry policies and otherwise promote tourist, business, and scholarly travel to the United States.

(20) The bill (H.R. 3402) to require accurate and reasonable disclosure of the terms and conditions of prepaid telephone calling cards and services.

(21) The bill (H.R. 1283) to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

(22) The bill (S. 1382) to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

(23) The bill (S. 1810) to amend the Public Health Service Act to increase the provision of scientifically sound information and support services to patients receiving a positive test diagnosis for Down syndrome or other prenatally and postnatally diagnosed conditions.

(24) The bill (S. 2932) to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program to provide assistance for poison prevention, sustain the funding of poison centers, and enhance the public health of people of the United States.

(25) The bill (H.R. 1343) to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act, and for other purposes.

(26) The bill (S. 901) to amend the Public Health Service Act to reauthorize the Community Health Centers program, the National Health Service Corps, and rural health care programs.

(27) The bill (H.R. 477) to amend the Public Health Service Act to strengthen education, prevention, and treatment programs relating to stroke, and for other purposes.

(28) The bill (S. 999) to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

(29) The bill (H.R. 507) to establish a grant program to provide vision care to children, and for other purposes.

(30) The bill (S. 1117) to establish a grant program to provide vision care to children, and for other purposes.

(31) The bill (H.R. 545) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that territories and Indian tribes are eligible to receive grants for confronting the use of methamphetamine.

(32) The bill (S. 85) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that territories and Indian tribes are eligible to receive grants for confronting the use of methamphetamine.

(33) The bill (S. 267) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that territories and Indian tribes are eligible to receive grants for confronting the use of methamphetamine.

(34) The bill (H.R. 970) to amend the Federal Food, Drug, and Cosmetic Act with respect to the distribution of the drug dextromethorphan, and for other purposes.

(35) The bill (S. 1378) to amend the Federal Food, Drug, and Cosmetic Act with respect to the distribution of the drug dextromethorphan, and for other purposes.

(36) The bill (S. 3549) to amend title XIX of the Social Security Act to provide additional funds for the qualifying individual (QI) program, and for other purposes.

(37) The bill (S. 906) to prohibit the sale, distribution, transfer, and export of elemental mercury, and for other purposes.

(38) The bill (H.R. 1534) to prohibit certain sales, distributions, and transfers of elemental mercury, to prohibit the export of elemental mercury, and for other purposes.

(39) The resolution (H. Res. 1333) supporting the goals and ideals of Tay-Sachs Awareness Month.

(40) 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.

(41) The bill (S. 2080) to amend the Federal Water Pollution Control Act to ensure that sewage treatment plants monitor for and report discharges of raw sewage, and for other purposes.

(42) The bill (H.R. 2452) to amend the Federal Water Pollution Control Act to ensure that publicly owned treatment works monitor for and report sewer overflows, and for other purposes.

(43) The bill (S. 2844) to amend the Federal Water Pollution Control Act to modify provisions relating to beach monitoring, and for other purposes.

(44) The bill (H.R. 2537) to amend the Federal Water Pollution Control Act relating to beach monitoring, and for other purposes.

□ 1030

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

Mr. CARDOZA. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. CARDOZA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 1491.

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

There was no objection.

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

Madam Speaker, H. Res. 1491 authorizes the Speaker to entertain motions that the House suspend the rules at any time on the legislative day of Thursday, September 25, 2008, on 44 separate measures. This rule is necessary because under clause 1(a) of rule XV, the Speaker may entertain motions to suspend the rules only on Monday, Tuesday or Wednesday of each week. In order for suspensions to be considered on other days, the Rules Committee must authorize consideration of these motions.

This is not unusual. In fact, in the 109th Congress, my friends on the other side of the aisle reported at least six rules that provided for additional suspension days. This bill limits the suspension of rules only to those measures listed in the rule itself so Members on both sides of the aisle are aware of exactly what bills may be considered under this suspension of the rules.

This is standard procedure at the end of the legislative session and includes both House bills that we will send to the Senate for consideration and Senate-passed bills that are ready to become law once they pass the House.

I would remind my colleagues on both sides of the aisle that bills considered under suspension of the rules must receive strong bipartisan support in order to pass the House.

I urge my colleagues to join me in supporting this rule which will simply help us move important, noncontroversial legislation before we adjourn that is important to our constituents and

that will receive overwhelmingly bipartisan support and that will hopefully become law.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I would like to thank my good friend, Mr. CARDOZA, the gentleman from California, for the time; and I yield myself such time as I may consume.

Madam Speaker, on the opening day of this Congress, the distinguished chairwoman of the Rules Committee, Ms. SLAUGHTER, came to the floor and said that the new majority would, '' . . . begin to return this Chamber to its rightful place as the home of democracy and deliberation in our great Nation.'' That pledge echoed a document by Speaker PELOSI titled A New Direction For America. That document said, ''bills should generally come to the floor under a procedure that allows open, full, and fair debate.''

Now as we approach the closing hours of the 110th Congress, I think it is appropriate for us to take a look at whether the majority has actually lived up to those promises.

Let us begin with closed rules. There really can be few, if any, parliamentary procedures that are more offensive to the essential spirit of democracy, the spirit of democracy, than a closed rule. A closed rule shuts off, blocks Members from both sides of the aisle from offering any amendments to legislation that is considered on the floor. As I said, no matter what their party affiliation, if and when Congress operates under a closed rule, all Members are shut out from the legislative process on the floor.

Even though the majority promised a more open Congress, as I referred to in the beginning of my remarks, they silenced the vote of every Member and thus all of every Member's constituents a record 63 times this Congress. Sixty-three times. No other Congress in the history of the Republic has ever brought forth so many closed rules. No other Congress in the history of the Republic has brought so many pieces of legislation to the floor under that legislative framework that prohibits every Member of this House from offering amendments to the legislation.

The consistent use of closed rules by the majority constitutes an affront to the democratic spirit as well as to their own promises. But that is not the only way that they have failed to live up to their promises. They have also systematically bypassed what is known as the conference process, effectively shutting out the minority from having a say on legislation that makes its way to the President's desk.

Madam Speaker, as you know, the conference process is the process by which the House and Senate work out differences, resolve their differences and achieve a final legislative product that is exact to be passed by the House and the Senate and sent to the President.

Now the majority has also used a technique known as ''ping-pong'' to avoid that conference process. They have used that technique in order to subvert the rights of the minority to offer motions to recommit and amendments. For comparison, in the 108th Congress and 109th Congress—those Congresses combined—that technique known as ping-ponging was used three times during the 108th Congress and 109th Congress.

But that is not all. The majority has also considered 45 bills outside the regular order. They also blocked minority substitute amendments, allowing only 10 minority substitute amendments even though they promised a procedure that, and again I remind the majority of its own words, they promised that they would ''grant the minority the right to offer its alternatives, including a substitute.''

So here we are today with a rule that a distinguished senior member of the majority on the Rules Committee said, and I quote, is '' . . . outside the normal parameters of the way that the House should conduct its business . . . it effectively curtails our rights and responsibilities as serious legislators.''

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Prior to becoming Speaker, Ms. PELOSI pledged, and I quote, ''to conduct our work with civility and bipartisanship and to act in partnership, not partisanship, with the President and the Republicans in Congress.''

Obviously, the record has been another story.

Now with regard to what the majority is doing today, the majority is bringing forth 44 bills for consideration under what is known as suspension of the rules. It's a process by which usually noncontroversial bills, as my friend described them, bills that generally have bipartisan support because they require two-thirds of the House in order to pass, under the rule being brought forth today, we will be authorizing under this rule 44 bills for consideration under suspension of the rules. At least they're telling us what the 44 bills are. That's why it took some time for the Clerk to read them, because there are 44 bills to read the titles. So at least I think the majority should be commended for telling us what the 44 bills are.

Now, unfortunately, we're informed that the Rules Committee is meeting at this time, as we speak, to pass a rule to authorize more suspensions, but not telling us what they are; in other words, a blanket authority. So, obviously everything has to be put in perspective.

Compared to what the Rules Committee is doing now for the rest of the session, this is a commendable rule because at least it is informing us and the American people what we will be considering. At least the titles have been brought forth. So that is something that, when we consider how the majority has acted procedurally in this Congress, we have to be grateful that we're being informed at least what bills are being authorized for consideration under the rule today.

Madam Speaker, as we look back at this 110th Congress that is nearing its end, I think it would be fair to say that when one considers the promises for openness and fairness and transparency made by the majority at the beginning of this Congress and in their campaign before this Congress began, when one compares that with their record of having broken all precedent in terms of the number, the number, having broken the record in terms of the number of pieces of legislation brought to this floor authorizing no amendments, in other words, closed rules, there is an extraordinary difference between the promise and the reality by our friends on the other side of the aisle.

I reserve the balance of my time.

Mr. CARDOZA. Madam Speaker, I would like to inquire of the gentleman from Florida if he has any additional speakers. I am the last speaker on my side.

Mr. LINCOLN DIAZ-BALART of Florida. No, I would inform my friend that we have no other speakers. So at this time I yield back the balance of my time.

Mr. CARDOZA. Madam Speaker, my friend from Florida has raised several issues with regard to the procedures of the House for the last 2 years. The gentleman is correct that there have been a number of closed rules this year. But I would like to just say, in response to that, that we have had to try and manage this House with a very obstinate Republican minority in the Senate.

There has been a record number of filibusters that have been put forward this year to try and stop everything that we have tried to accomplish in this body. In fact, there has been an absolute stonewalling on the number of conference committees, breaking down the bipartisan process, breaking down the comity that engages both Houses, so that we can get something done for the American people. By refusing to go to conference, this has gummed up the arteries of this body, and it, frankly, is the Republican minority in the other body that has really made this a very difficult House and institution to manage.

Madam Speaker, I would also say that the gentleman mentioned that this is—well, first of all, he acknowledged that we are telling everyone today the 44 bills that we are, in fact, bringing forward in this rule. Six times the gentleman's party, in the last Congress, did not tell us what they were bringing forward in a rule. And I can cite the dates. We have the information.

The reality is that this is not an uncommon practice at the end of the session. We would like to, as we are doing in this rule, do it every time, but sometimes it's possible at the end of the session we're simply running out of time.

So, Madam Speaker, as I said, this is a standard procedure at the end of the legislative session that will simply

help us move important, noncontroversial legislation before we adjourn that will receive overwhelming bipartisan support.

I urge a ''yes'' vote on the rule and on the previous question, Madam Speaker.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid upon the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later today.

INSPECTOR GENERAL REFORM ACT OF 2008

Mr. TOWNS. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 928) to amend the Inspector General Act of 1978 to enhance the independence of the Inspectors General, to create a Council of the Inspectors General on Integrity and Efficiency, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Inspector General Reform Act of 2008''.

SEC. 2. APPOINTMENT AND QUALIFICATIONS OF INSPECTORS GENERAL.

Section 8G(c) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end ''Each Inspector General shall be appointed without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.''.

SEC. 3. REMOVAL OF INSPECTORS GENERAL.

(a) ESTABLISHMENTS.—Section 3(b) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking the second sentence and inserting ''If an Inspector General is removed from office or is transferred to another position or location within an establishment, the President shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer. Nothing in this subsection shall prohibit a personnel action otherwise authorized by law, other than transfer or removal.''.

(b) DESIGNATED FEDERAL ENTITIES.—Section 8G(e) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking ''shall promptly communicate in writing the reasons for any such removal or transfer to both Houses of the Congress.'' and inserting ''shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer. Nothing in this subsection shall prohibit a personnel action otherwise authorized by law, other than transfer or removal.''.

SEC. 4. PAY OF INSPECTORS GENERAL.

(a) INSPECTORS GENERAL AT LEVEL III OF EXECUTIVE SCHEDULE.—

(1) IN GENERAL.—Section 3 of the Inspector General Act of 1978 (5 U.S.C. App.), is amended by adding at the end the following:

''(e) The annual rate of basic pay for an Inspector General (as defined under section 12(3)) shall be the rate payable for level III of the Executive Schedule under section 5314 of title 5, United States Code, plus 3 percent.''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 5315 of title 5, United States Code, is amended by striking the item relating to each of the following positions:

(A) Inspector General, Department of Education.

(B) Inspector General, Department of Energy.

(C) Inspector General, Department of Health and Human Services.

(D) Inspector General, Department of Agriculture.

(E) Inspector General, Department of Housing and Urban Development.

(F) Inspector General, Department of Labor.

(G) Inspector General, Department of Transportation.

(H) Inspector General, Department of Veterans Affairs.

(I) Inspector General, Department of Homeland Security.

(J) Inspector General, Department of Defense.

(K) Inspector General, Department of State.

(L) Inspector General, Department of Commerce.

(M) Inspector General, Department of the Interior.

(N) Inspector General, Department of Justice.

(O) Inspector General, Department of the Treasury.

(P) Inspector General, Agency for International Development.

(Q) Inspector General, Environmental Protection Agency.

(R) Inspector General, Export-Import Bank.

(S) Inspector General, Federal Emergency Management Agency.

(T) Inspector General, General Services Administration.

(U) Inspector General, National Aeronautics and Space Administration.

(V) Inspector General, Nuclear Regulatory Commission.

(W) Inspector General, Office of Personnel Management.

(X) Inspector General, Railroad Retirement Board.

(Y) Inspector General, Small Business Administration.

(Z) Inspector General, Tennessee Valley Authority.

(AA) Inspector General, Federal Deposit Insurance Corporation.

(BB) Inspector General, Resolution Trust Corporation.

(CC) Inspector General, Central Intelligence Agency.

(DD) Inspector General, Social Security Administration.

(EE) Inspector General, United States Postal Service.

(3) APPLICABILITY TO OTHER INSPECTORS GENERAL.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the annual rate of basic pay of the Inspector General of the Central Intelligence Agency, the Special Inspector General for Iraq Reconstruction, and the Special Inspector General for Afghanistan Reconstruction shall be that of an Inspector General as defined under section 12(3) of the Inspector General Act of 1978 (5 U.S.C. App.) (as amended by section 7(a) of this Act).

(B) PROHIBITION OF CASH BONUS OR AWARDS.—Section 3(f) of the Inspector General Act of 1978 (5 U.S.C. App.) (as amended by section 5 of this Act) shall apply to the Inspectors General described under subparagraph (A).

(4) ADDITIONAL TECHNICAL AND CONFORMING AMENDMENT.—Section 194(b) of the National and Community Service Act of 1990 (42 U.S.C. 12651e(b)) is amended by striking paragraph (3).

(b) INSPECTORS GENERAL OF DESIGNATED FEDERAL ENTITIES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Inspector General of each designated Federal entity (as those terms are defined under section 8G of the Inspector General Act of 1978 (5 U.S.C. App.)) shall, for pay and all other purposes, be classified at a grade, level, or rank designation, as the case may be, at or above those of a majority of the senior level executives of that designated Federal entity (such as a General Counsel, Chief Information Officer, Chief Financial Officer, Chief Human Capital Officer, or Chief Acquisition Officer). The pay of an Inspector General of a designated Federal entity (as those terms are defined under section 8G of the Inspector General Act of 1978 (5 U.S.C. App.)) shall be not less than the average total compensation (including bonuses) of the senior level executives of that designated Federal entity calculated on an annual basis.

(2) LIMITATION ON ADJUSTMENT.—

(A) IN GENERAL.—In the case of an Inspector General of a designated Federal entity whose pay is adjusted under paragraph (1), the total increase in pay in any fiscal year resulting from that adjustment may not exceed 25 percent of the average total compensation (including bonuses) of the Inspector General of that entity for the preceding 3 fiscal years.

(B) SUNSET OF LIMITATION.—The limitation under subparagraph (A) shall not apply to any adjustment made in fiscal year 2013 or each fiscal year thereafter.

(c) SAVINGS PROVISION FOR NEWLY APPOINTED INSPECTORS GENERAL.—

(1) IN GENERAL.—The provisions of section 3392 of title 5, United States Code, other than the terms ''performance awards'' and ''awarding of ranks'' in subsection (c)(1) of such section, shall apply to career appointees of the Senior Executive Service who are appointed to the position of Inspector General.

(2) NONREDUCTION IN PAY.—Notwithstanding any other provision of law, career Federal employees serving on an appointment made pursuant to statutory authority found other than in section 3392 of title 5, United States Code, shall not suffer a reduction in pay, not including any bonus or performance award, as a result of being appointed to the position of Inspector General.

(d) SAVINGS PROVISION.—Nothing in this section shall have the effect of reducing the rate of pay of any individual serving on the date of enactment of this section as an Inspector General of—

(1) an establishment as defined under section 12(2) of the Inspector General Act of 1978 (5 U.S.C. App.) (as amended by section 7(a) of this Act);

(2) a designated Federal entity as defined under section 8G(2) of the Inspector General Act of 1978 (5 U.S.C. App.);

(3) a legislative agency for which the position of Inspector General is established by statute; or

(4) any other entity of the Government for which the position of Inspector General is established by statute.

SEC. 5. PROHIBITION OF CASH BONUS OR AWARDS.

Section 3 of the Inspector General Act of 1978 (5 U.S.C. App.) (as amended by section 4 of this Act) is further amended by adding at the end the following:

''(f) An Inspector General (as defined under section 8G(a)(6) or 12(3)) may not receive any cash award or cash bonus, including any cash award under chapter 45 of title 5, United States Code.''.

SEC. 6. SEPARATE COUNSEL TO SUPPORT INSPECTORS GENERAL.

(a) COUNSELS TO INSPECTORS GENERAL OF ESTABLISHMENT.—Section 3 of the Inspector General Act of 1978 (5 U.S.C. App.) (as amended by sections 4 and 5 of this Act) is further amended by adding at the end the following:

''(g) Each Inspector General shall, in accordance with applicable laws and regulations governing the civil service, obtain legal advice from a counsel either reporting directly to the Inspector General or another Inspector General.''.

(b) COUNSELS TO INSPECTORS GENERAL OF DESIGNATED FEDERAL ENTITIES.—Section 8G(g) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

''(4) Each Inspector General shall—

''(A) in accordance with applicable laws and regulations governing appointments within the designated Federal entity, appoint a Counsel to the Inspector General who shall report to the Inspector General;

''(B) obtain the services of a counsel appointed by and directly reporting to another Inspector General on a reimbursable basis; or

''(C) obtain the services of appropriate staff of the Council of the Inspectors General on Integrity and Efficiency on a reimbursable basis.''.

(c) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed to alter the duties and responsibilities of the counsel for any establishment or designated Federal entity, except for the availability of counsel as provided under sections 3(g) and 8G(g) of the Inspector General Act of 1978 (5 U.S.C. App.) (as amended by this section). The Counsel to the Inspector General shall perform such functions as the Inspector General may prescribe.

SEC. 7. ESTABLISHMENT OF COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY.

(a) ESTABLISHMENT.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended by redesignating sections 11 and 12 as sections 12 and 13, respectively, and by inserting after section 10 the following:

''SEC. 11. ESTABLISHMENT OF THE COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY.

''(a) ESTABLISHMENT AND MISSION.—

''(1) ESTABLISHMENT.—There is established as an independent entity within the executive branch the Council of the Inspectors General on Integrity and Efficiency (in this section referred to as the 'Council').

''(2) MISSION.—The mission of the Council shall be to—

''(A) address integrity, economy, and effectiveness issues that transcend individual Government agencies; and

''(B) increase the professionalism and effectiveness of personnel by developing policies, standards, and approaches to aid in the establishment of a well-trained and highly skilled workforce in the offices of the Inspectors General.

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—The Council shall consist of the following members:

''(A) All Inspectors General whose offices are established under—

''(i) section 2; or

''(ii) section 8G.

''(B) The Inspectors General of the Office of the Director of National Intelligence and the Central Intelligence Agency.

''(C) The Controller of the Office of Federal Financial Management.

''(D) A senior level official of the Federal Bureau of Investigation designated by the Director of the Federal Bureau of Investigation.

''(E) The Director of the Office of Government Ethics.

''(F) The Special Counsel of the Office of Special Counsel.

''(G) The Deputy Director of the Office of Personnel Management.

''(H) The Deputy Director for Management of the Office of Management and Budget.

''(I) The Inspectors General of the Library of Congress, Capitol Police, Government Printing Office, Government Accountability Office, and the Architect of the Capitol.

''(2) CHAIRPERSON AND EXECUTIVE CHAIRPERSON.—

''(A) EXECUTIVE CHAIRPERSON.—The Deputy Director for Management of the Office of Management and Budget shall be the Executive Chairperson of the Council.

''(B) CHAIRPERSON.—The Council shall elect 1 of the Inspectors General referred to in paragraph (1)(A) or (B) to act as Chairperson of the Council. The term of office of the Chairperson shall be 2 years.

''(3) FUNCTIONS OF CHAIRPERSON AND EXECUTIVE CHAIRPERSON.—

''(A) EXECUTIVE CHAIRPERSON.—The Executive Chairperson shall—

''(i) preside over meetings of the Council;

''(ii) provide to the heads of agencies and entities represented on the Council summary reports of the activities of the Council; and

''(iii) provide to the Council such information relating to the agencies and entities represented on the Council as assists the Council in performing its functions.

''(B) CHAIRPERSON.—The Chairperson shall—

''(i) convene meetings of the Council—

''(I) at least 6 times each year;

''(II) monthly to the extent possible; and

''(III) more frequently at the discretion of the Chairperson;

''(ii) carry out the functions and duties of the Council under subsection (c);

''(iii) appoint a Vice Chairperson to assist in carrying out the functions of the Council and act in the absence of the Chairperson, from a category of Inspectors General described in subparagraph (A)(i), (A)(ii), or (B) of paragraph (1), other than the category from which the Chairperson was elected;

''(iv) make such payments from funds otherwise available to the Council as may be necessary to carry out the functions of the Council;

''(v) select, appoint, and employ personnel as needed to carry out the functions of the Council subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates;

''(vi) to the extent and in such amounts as may be provided in advance by appropriations Acts, made available from the revolving fund established under subsection (c)(3)(B), or as otherwise provided by law, enter into contracts and other arrangements with public agencies and private persons to carry out the functions and duties of the Council;

''(vii) establish, in consultation with the members of the Council, such committees as determined by the Chairperson to be necessary and appropriate for the efficient conduct of Council functions; and

''(viii) prepare and transmit a report annually on behalf of the Council to the President on the activities of the Council.

''(c) FUNCTIONS AND DUTIES OF COUNCIL.—

''(1) IN GENERAL.—The Council shall—

''(A) continually identify, review, and discuss areas of weakness and vulnerability in Federal programs and operations with respect to fraud, waste, and abuse;

''(B) develop plans for coordinated, Governmentwide activities that address these problems and promote economy and efficiency in Federal programs and operations, including interagency and interentity audit, investigation, inspection, and evaluation programs and projects to deal efficiently and effectively with those problems concerning fraud and waste that exceed the capability or jurisdiction of an individual agency or entity;

''(C) develop policies that will aid in the maintenance of a corps of well-trained and highly skilled Office of Inspector General personnel;

''(D) maintain an Internet website and other electronic systems for the benefit of all Inspectors General, as the Council determines are necessary or desirable;

''(E) maintain 1 or more academies as the Council considers desirable for the professional training of auditors, investigators, inspectors, evaluators, and other personnel of the various offices of Inspector General;

''(F) submit recommendations of individuals to the appropriate appointing authority for any appointment to an office of Inspector General described under subsection (b)(1)(A) or (B);

''(G) make such reports to Congress as the Chairperson determines are necessary or appropriate; and

''(H) perform other duties within the authority and jurisdiction of the Council, as appropriate.

''(2) ADHERENCE AND PARTICIPATION BY MEMBERS.—To the extent permitted under law, and to the extent not inconsistent with standards established by the Comptroller General of the United States for audits of Federal establishments, organizations, programs, activities, and functions, each member of the Council, as appropriate, shall—

''(A) adhere to professional standards developed by the Council; and

''(B) participate in the plans, programs, and projects of the Council, except that in the case of a member described under subsection (b)(1)(I) , the member shall participate only to the extent requested by the member and approved by the Executive Chairperson and Chairperson.

''(3) ADDITIONAL ADMINISTRATIVE AUTHORITIES.—

''(A) INTERAGENCY FUNDING.—Notwithstanding section 1532 of title 31, United States Code, or any other provision of law prohibiting the interagency funding of activities described under subclause (I), (II), or (III) of clause (i), in the performance of the responsibilities, authorities, and duties of the Council—

''(i) the Executive Chairperson may authorize the use of interagency funding for—

''(I) Governmentwide training of employees of the Offices of the Inspectors General;

''(II) the functions of the Integrity Committee of the Council; and

''(III) any other authorized purpose determined by the Council; and

''(ii) upon the authorization of the Executive Chairperson, any department, agency, or entity of the executive branch which has a member on the Council shall fund or participate in the funding of such activities.

''(B) REVOLVING FUND.—

''(i) IN GENERAL.—The Council may—

''(I) establish in the Treasury of the United States a revolving fund to be called the Inspectors General Council Fund; or

''(II) enter into an arrangement with a department or agency to use an existing revolving fund.

''(ii) AMOUNTS IN REVOLVING FUND.—

''(I) IN GENERAL.—Amounts transferred to the Council under this subsection shall be deposited in the revolving fund described under clause (i)(I) or (II).

''(II) TRAINING.—Any remaining unexpended balances appropriated for or otherwise available to the Inspectors General Criminal Investigator Academy and the Inspectors General Auditor Training Institute shall be transferred to the revolving fund described under clause (i)(I) or (II).

''(iii) USE OF REVOLVING FUND.—

''(I) IN GENERAL.—Except as provided under subclause (II), amounts in the revolving fund described under clause (i)(I) or (II) may be used to carry out the functions and duties of the Council under this subsection.

''(II) TRAINING.—Amounts transferred into the revolving fund described under clause (i)(I) or (II) may be used for the purpose of maintaining any training academy as determined by the Council.

''(iv) AVAILABILITY OF FUNDS.—Amounts in the revolving fund described under clause (i)(I) or (II) shall remain available to the Council without fiscal year limitation.

''(C) SUPERSEDING PROVISIONS.—No provision of law enacted after the date of enactment of this subsection shall be construed to limit or supersede any authority under subparagraph (A) or (B), unless such provision makes specific reference to the authority in that paragraph.

''(4) EXISTING AUTHORITIES AND RESPONSIBILITIES.—The establishment and operation of the Council shall not affect—

''(A) the role of the Department of Justice in law enforcement and litigation;

''(B) the authority or responsibilities of any Government agency or entity; and

''(C) the authority or responsibilities of individual members of the Council.

''(d) INTEGRITY COMMITTEE.—

''(1) ESTABLISHMENT.—The Council shall have an Integrity Committee, which shall receive, review, and refer for investigation allegations of wrongdoing that are made against Inspectors General and staff members of the various Offices of Inspector General described under paragraph (4)(C).

''(2) MEMBERSHIP.—The Integrity Committee shall consist of the following members:

''(A) The official of the Federal Bureau of Investigation serving on the Council, who shall serve as Chairperson of the Integrity Committee, and maintain the records of the Committee.

''(B) Four Inspectors General described in subparagraph (A) or (B) of subsection (b)(1) appointed by the Chairperson of the Council, representing both establishments and designated Federal entities (as that term is defined in section 8G(a)).

''(C) The Special Counsel of the Office of Special Counsel.

''(D) The Director of the Office of Government Ethics.

''(3) LEGAL ADVISOR.—The Chief of the Public Integrity Section of the Criminal Division of the Department of Justice, or his designee, shall serve as a legal advisor to the Integrity Committee.

''(4) REFERRAL OF ALLEGATIONS.—

''(A) REQUIREMENT.—An Inspector General shall refer to the Integrity Committee any allegation of wrongdoing against a staff member of the office of that Inspector General, if—

''(i) review of the substance of the allegation cannot be assigned to an agency of the executive branch with appropriate jurisdiction over the matter; and

''(ii) the Inspector General determines that—

''(I) an objective internal investigation of the allegation is not feasible; or

''(II) an internal investigation of the allegation may appear not to be objective.

''(B) DEFINITION.—In this paragraph the term 'staff member' means any employee of an Office of Inspector General who—

''(i) reports directly to an Inspector General; or

''(ii) is designated by an Inspector General under subparagraph (C).

''(C) DESIGNATION OF STAFF MEMBERS.—Each Inspector General shall annually submit to the Chairperson of the Integrity Committee a designation of positions whose holders are staff members for purposes of subparagraph (B).

''(5) REVIEW OF ALLEGATIONS.—The Integrity Committee shall—

''(A) review all allegations of wrongdoing the Integrity Committee receives against an Inspector General, or against a staff member of an Office of Inspector General described under paragraph (4)(C);

''(B) refer any allegation of wrongdoing to the agency of the executive branch with appropriate jurisdiction over the matter; and

''(C) refer to the Chairperson of the Integrity Committee any allegation of wrongdoing determined by the Integrity Committee under subparagraph (A) to be potentially meritorious that cannot be referred to an agency under subparagraph (B).

''(6) AUTHORITY TO INVESTIGATE ALLEGATIONS.—

''(A) REQUIREMENT.—The Chairperson of the Integrity Committee shall cause a thorough and timely investigation of each allegation referred under paragraph (5)(C) to be conducted in accordance with this paragraph.

''(B) RESOURCES.—At the request of the Chairperson of the Integrity Committee, the head of each agency or entity represented on the Council—

''(i) may provide resources necessary to the Integrity Committee; and

''(ii) may detail employees from that agency or entity to the Integrity Committee, subject to the control and direction of the Chairperson, to conduct an investigation under this subsection.

''(7) PROCEDURES FOR INVESTIGATIONS.—

''(A) STANDARDS APPLICABLE.—Investigations initiated under this subsection shall be conducted in accordance with the most current Quality Standards for Investigations issued by the Council or by its predecessors (the President's Council on Integrity and Efficiency and the Executive Council on Integrity and Efficiency).

''(B) ADDITIONAL POLICIES AND PROCEDURES.—

''(i) ESTABLISHMENT.—The Integrity Committee, in conjunction with the Chairperson of the Council, shall establish additional policies and procedures necessary to ensure fairness and consistency in—

''(I) determining whether to initiate an investigation;

''(II) conducting investigations;

''(III) reporting the results of an investigation; and

''(IV) providing the person who is the subject of an investigation with an opportunity to respond to any Integrity Committee report.

''(ii) SUBMISSION TO CONGRESS.—The Council shall submit a copy of the policies and procedures established under clause (i) to the congressional committees of jurisdiction.

''(C) REPORTS.—

''(i) POTENTIALLY MERITORIOUS ALLEGATIONS.—For allegations described under paragraph (5)(C), the Chairperson of the Integrity Committee shall make a report containing the results of the investigation of the Chairperson and shall provide such report to members of the Integrity Committee.

''(ii) ALLEGATIONS OF WRONGDOING.—For allegations referred to an agency under paragraph (5)(B), the head of that agency shall make a report containing the results of the investigation and shall provide such report to members of the Integrity Committee.

''(8) ASSESSMENT AND FINAL DISPOSITION.—

''(A) IN GENERAL.—With respect to any report received under paragraph (7)(C), the Integrity Committee shall—

''(i) assess the report;

''(ii) forward the report, with the recommendations of the Integrity Committee, including those on disciplinary action, within 30 days (to the maximum extent practicable) after the completion of the investigation, to the Executive Chairperson of the Council and to the President (in the case of a report relating to an Inspector General of an establishment or any employee of that Inspector General) or the head of a designated Federal entity (in the case of a report relating to an Inspector General of such an entity or any employee of that Inspector General) for resolution; and

''(iii) submit to the Committee on Government Oversight and Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and other congressional committees of jurisdiction an executive summary of such report and recommendations within 30 days after the submission of such report to the Executive Chairperson under clause (ii).

''(B) DISPOSITION.—The Executive Chairperson of the Council shall report to the Integrity Committee the final disposition of the matter, including what action was taken by the President or agency head.

''(9) ANNUAL REPORT.—The Council shall submit to Congress and the President by December 31 of each year a report on the activities of the Integrity Committee during the preceding fiscal year, which shall include the following:

''(A) The number of allegations received.

''(B) The number of allegations referred to other agencies, including the number of allegations referred for criminal investigation.

''(C) The number of allegations referred to the Chairperson of the Integrity Committee for investigation.

''(D) The number of allegations closed without referral.

''(E) The date each allegation was received and the date each allegation was finally disposed of.

''(F) In the case of allegations referred to the Chairperson of the Integrity Committee, a summary of the status of the investigation of the allegations and, in the case of investigations completed during the preceding fiscal year, a summary of the findings of the investigations.

''(G) Other matters that the Council considers appropriate.

''(10) REQUESTS FOR MORE INFORMATION.—With respect to paragraphs (8) and (9), the Council shall provide more detailed information about specific allegations upon request from any of the following:

''(A) The chairperson or ranking member of the Committee on Homeland Security and Governmental Affairs of the Senate.

''(B) The chairperson or ranking member of the Committee on Oversight and Government Reform of the House of Representatives.

''(C) The chairperson or ranking member of the congressional committees of jurisdiction.

''(11) NO RIGHT OR BENEFIT.—This subsection is not intended to create any right or benefit, substantive or procedural, enforceable at law by a person against the United States, its agencies, its officers, or any person.''.

(b) ALLEGATIONS OF WRONGDOING AGAINST SPECIAL COUNSEL OR DEPUTY SPECIAL COUNSEL.—

(1) DEFINITIONS.—In this section—

(A) the term ''Integrity Committee'' means the Integrity Committee established under section 11(d) of the Inspector General Act of 1978 (5 U.S.C. App), as amended by this Act; and

(B) the term ''Special Counsel'' refers to the Special Counsel appointed under section 1211(b) of title 5, United States Code.

(2) AUTHORITY OF INTEGRITY COMMITTEE.—

(A) IN GENERAL.—An allegation of wrongdoing against the Special Counsel or the Deputy Special Counsel may be received, reviewed, and referred for investigation by the Integrity Committee to the same extent and in the same manner as in the case of an allegation against an Inspector General (or a member of the staff of an Office of Inspector General), subject to the requirement that the Special Counsel recuse himself or herself from the consideration of any allegation brought under this paragraph.

(B) COORDINATION WITH EXISTING PROVISIONS OF LAW.—This subsection does not eliminate access to the Merit Systems Protection Board for review under section 7701 of title 5, United States Code. To the extent that an allegation brought under this subsection involves section 2302(b)(8) of that title, a failure to obtain corrective action within 120 days after the date on which that allegation is received by the Integrity Committee shall, for purposes of section 1221 of such title, be considered to satisfy section 1214(a)(3)(B) of that title.

(3) REGULATIONS.—The Integrity Committee may prescribe any rules or regulations necessary to carry out this subsection, subject to such consultation or other requirements as might otherwise apply.

(c) EFFECTIVE DATE AND EXISTING EXECUTIVE ORDERS.—

(1) COUNCIL.—Not later than 180 days after the date of the enactment of this Act, the Council of the Inspectors General on Integrity and Efficiency established under this section shall become effective and operational.

(2) EXECUTIVE ORDERS.—Executive Order No. 12805, dated May 11, 1992, and Executive Order No. 12933, dated March 21, 1996 (as in effect before the date of the enactment of this Act) shall have no force or effect on and after the earlier of—

(A) the date on which the Council of the Inspectors General on Integrity and Efficiency becomes effective and operational as determined by the Executive Chairperson of the Council; or

(B) the last day of the 180-day period beginning on the date of enactment of this Act.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) INSPECTOR GENERAL ACT OF 1978.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) in sections 2(1), 4(b)(2), and 8G(a)(1)(A) by striking ''section 11(2)'' each place it appears and inserting ''section 12(2)''; and

(B) in section 8G(a), in the matter preceding paragraph (1), by striking ''section 11'' and inserting ''section 12''.

(2) SEPARATE APPROPRIATIONS ACCOUNT.—Section 1105(a) of title 31, United States Code, is amended by striking the first paragraph (33) and inserting the following:

''(33) a separate appropriation account for appropriations for the Council of the Inspectors General on Integrity and Efficiency, and, included in that account, a separate statement of the aggregate amount of appropriations requested for each academy maintained by the Council of the Inspectors General on Integrity and Efficiency.''.

SEC. 8. SUBMISSION OF BUDGET REQUESTS TO CONGRESS.

Section 6 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

''(f)(1) For each fiscal year, an Inspector General shall transmit a budget estimate and request to the head of the establishment or designated Federal entity to which the Inspector General reports. The budget request shall specify the aggregate amount of funds requested for such fiscal year for the operations of that Inspector General and shall specify the amount requested for all training needs, including a certification from the Inspector General that the amount requested satisfies all training requirements for the Inspector General's office for that fiscal year, and any resources necessary to support the Council of the Inspectors General on Integrity and Efficiency. Resources necessary to support the Council of the Inspectors General on Integrity and Efficiency shall be specifically identified and justified in the budget request.

''(2) In transmitting a proposed budget to the President for approval, the head of each establishment or designated Federal entity shall include—

''(A) an aggregate request for the Inspector General;

''(B) amounts for Inspector General training;

''(C) amounts for support of the Council of the Inspectors General on Integrity and Efficiency; and

''(D) any comments of the affected Inspector General with respect to the proposal.

''(3) The President shall include in each budget of the United States Government submitted to Congress—

''(A) a separate statement of the budget estimate prepared in accordance with paragraph (1);

''(B) the amount requested by the President for each Inspector General;

''(C) the amount requested by the President for training of Inspectors General;

''(D) the amount requested by the President for support for the Council of the Inspectors General on Integrity and Efficiency; and

''(E) any comments of the affected Inspector General with respect to the proposal if the Inspector General concludes that the budget submitted by the President would substantially inhibit the Inspector General from performing the duties of the office.''.

SEC. 9. SUBPOENA POWER.

Section 6(a)(4) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by inserting ''in any medium (including electronically stored information, as well as any tangible thing)'' after ''other data''; and

(2) by striking ''subpena'' and inserting ''subpoena''.

SEC. 10. PROGRAM FRAUD CIVIL REMEDIES ACT.

Section 3801(a)(1) of title 31, United States Code, is amended—

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

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

(3) by adding at the end the following:

''(F) a designated Federal entity (as such term is defined under section 8G(a)(2) of the Inspector General Act of 1978);''.

SEC. 11. LAW ENFORCEMENT AUTHORITY FOR DESIGNATED FEDERAL ENTITIES.

Section 6(e) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1) by striking ''appointed under section 3''; and

(2) by adding at the end the following:

''(9) In this subsection, the term 'Inspector General' means an Inspector General appointed under section 3 or an Inspector General appointed under section 8G.''.

SEC. 12. APPLICATION OF SEMIANNUAL REPORTING REQUIREMENTS WITH RESPECT TO INSPECTION REPORTS AND EVALUATION REPORTS.

Section 5 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in each of subsections (a)(6), (a)(8), (a)(9), (b)(2), and (b)(3)—

(A) by inserting '', inspection reports, and evaluation reports'' after ''audit reports'' the first place it appears; and

(B) by striking ''audit'' the second place it appears; and

(2) in subsection (a)(10) by inserting '', inspection reports, and evaluation reports'' after ''audit reports''.

SEC. 13. INFORMATION ON WEBSITES OF OFFICES OF INSPECTORS GENERAL.

(a) IN GENERAL.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting after section 8K the following:

''SEC. 8L. INFORMATION ON WEBSITES OF OFFICES OF INSPECTORS GENERAL.

''(a) DIRECT LINKS TO INSPECTORS GENERAL OFFICES.—

''(1) IN GENERAL.—Each agency shall establish and maintain on the homepage of the website of that agency, a direct link to the website of the Office of the Inspector General of that agency.

''(2) ACCESSIBILITY.—The direct link under paragraph (1) shall be obvious and facilitate accessibility to the website of the Office of the Inspector General.

''(b) REQUIREMENTS FOR INSPECTORS GENERAL WEBSITES.—

''(1) POSTING OF REPORTS AND AUDITS.—The Inspector General of each agency shall—

''(A) not later than 3 days after any report or audit (or portion of any report or audit) is made publicly available, post that report or audit (or portion of that report or audit) on the website of the Office of Inspector General; and

''(B) ensure that any posted report or audit (or portion of that report or audit) described under subparagraph (A)—

''(i) is easily accessible from a direct link on the homepage of the website of the Office of the Inspector General;

''(ii) includes a summary of the findings of the Inspector General; and

''(iii) is in a format that—

''(I) is searchable and downloadable; and

''(II) facilitates printing by individuals of the public accessing the website.

''(2) REPORTING OF FRAUD, WASTE, AND ABUSE.—

''(A) IN GENERAL.—The Inspector General of each agency shall establish and maintain a direct link on the homepage of the website of the Office of the Inspector General for individuals to report fraud, waste, and abuse. Individuals reporting fraud, waste, or abuse using the direct link established under this paragraph shall not be required to provide personally identifying information relating to that individual.

''(B) ANONYMITY.—The Inspector General of each agency shall not disclose the identity of any individual making a report under this paragraph without the consent of the individual unless the Inspector General determines that such a disclosure is unavoidable during the course of the investigation.''.

(b) REPEAL.—Section 746(b) of the Financial Services and General Government Appropriations Act, 2008 (5 U.S.C. App. note; 121 Stat. 2034) is repealed.

(c) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this Act, the head of each agency and the Inspector General of each agency shall implement the amendment made by this section.

SEC. 14. OTHER ADMINISTRATIVE AUTHORITIES.

(a) IN GENERAL.—Section 6(d) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended to read as follows:

''(d)(1)(A) For purposes of applying the provisions of law identified in subparagraph (B)—

''(i) each Office of Inspector General shall be considered to be a separate agency; and

''(ii) the Inspector General who is the head of an office referred to in clause (i) shall, with respect to such office, have the functions, powers, and duties of an agency head or appointing authority under such provisions.

''(B) This paragraph applies with respect to the following provisions of title 5, United States Code:

''(i) Subchapter II of chapter 35.

''(ii) Sections 8335(b), 8336, 8344, 8414, 8468, and 8425(b).

''(iii) All provisions relating to the Senior Executive Service (as determined by the Office of Personnel Management), subject to paragraph (2).

''(2) For purposes of applying section 4507(b) of title 5, United States Code, paragraph (1)(A)(ii) shall be applied by substituting 'the Council of the Inspectors General on Integrity and Efficiency (established by section 11 of the Inspector General Act) shall' for 'the Inspector General who is the head of an office referred to in clause (i) shall, with respect to such office,'.''.

(b) AUTHORITY OF TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION TO PROTECT INTERNAL REVENUE SERVICE EMPLOYEES.—Section 8D(k)(1)(C) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking ''physical security'' and inserting ''protection to the Commissioner of Internal Revenue''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. TOWNS) and the gentleman from Connecticut (Mr. SHAYS) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. TOWNS. 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 New York?

There was no objection.

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

H.R. 928, the Inspector General Reform Act of 2008, focuses on the important role of the Inspectors General in providing independent oversight within Federal agencies. By investigating and reporting waste, fraud and abuse to both agency leaders and to the Congress, Inspectors General play a critical role in maintaining checks and balances in the Federal Government.

This bill strengthens and reforms the Inspector General system by providing greater independence and accountability for IG offices. H.R. 928 first passed this House last October with more than 400 votes. The other body passed a similar bill sponsored by Senator MCCASKILL earlier this year. We have worked with the Senate to resolve the differences between the two bills and produce the amended bill now under consideration. It passed the Senate by unanimous consent last night.

H.R. 928 enhances the rank and pay of IGs within their agencies, and requires that Congress be promptly informed if an IG is transferred or removed from office. It provides a mechanism for IGs to report to Congress if their budgets are inadequate to perform their responsibilities and sets aside funding for training. And the bill establishes an Inspectors General Council, and sets procedures for investigating potential IG misconduct.

I would like to commend the sponsor of this bill, my good friend Mr. COOPER from the great State of Tennessee, for his work in crafting this legislation. He has worked on it for several years as part of his work on improving government accountability.

I also thank Chairman WAXMAN and Ranking Member DAVIS as well as the subcommittee Ranking Member BILBRAY for their work in moving this bill forward.

H.R. 928 will make sure that the IGs have the legal authority and tools necessary to continue their role as nonpartisan, professional, honest brokers on behalf of the people.

I reserve the balance of my time.

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

I'm rising in support of this legislation. The Government Oversight and Reform Committee works very closely with both the general accountability office and the Inspector General's office. The Inspector Generals play a major role in our ability to weed out waste, abuse and fraud. We need to strengthen this office.

And we appreciate the work that Mr. COOPER has been involved in to bring this legislation forward.

I will insert my full statement into the RECORD.

Madam Speaker, today, we take up H.R. 928, the Improving Government Accountability Act. This legislation is intended to enhance the independence of inspectors general throughout government to improve their ability to monitor and oversee executive branch operations.

Since the enactment of the Inspector General Act of 1978, inspectors general throughout government have played an integral role in identifying waste and mismanagement in government. IGs have also been instrumental in aiding Congress and the executive branch to make government more efficient and effective.

We all agree IGs should operate independently, free from political interference. After all, both agency heads and Congress often rely on IG reports to provide frank assessments of the effectiveness of Federal programs.

However, inspectors general should also be part of an agency's management structure—albeit with some independence—rather than a "fourth branch" of the Federal Government. We must be careful not to separate the IGs from the day-to-day operations of the agencies they oversee so they may continue to perform a constructive, integrated role and not just "second-guess" the decisions made by agencies.

I believe the compromise legislation we are taking up today strikes the right balance between IG independence and the appropriate management role of inspectors general.

I reserve the balance of my time.

Mr. TOWNS. I would like to yield 5 minutes to the gentleman from Tennessee, who is a person who came to us early on with this idea which, I think, is an excellent one, so I am delighted to yield 5 minutes to the gentleman from Tennessee (Mr. COOPER).

Mr. COOPER. Thanks to my friend and colleague Mr. TOWNS of New York and my friend from Connecticut, Mr. SHAYS.

This is a very important bill for cleaning up the mess in government. Inspectors General are the watchdogs on behalf of the U.S. taxpayer to make sure that the waste, fraud and abuse that can occur in any Federal agency is cleaned up.

This bill is long overdue. We've been working on it for a long time. Sadly, it took many years for it to be brought up for a vote. But now with the Democratic majority, it passed, as my friend from New York noted, overwhelmingly. It has been passed in the Senate, and now will soon be enacted into law.

The key points are these: We needed to professionalize the IGs. These are wonderful public servants, but due to historical accident, some of them are appointed by the President, some are appointed by the agency heads, some of them are more independent than others. There's been a lot of confusion there, and they simply haven't had the independence and the accountability that they need to have to serve the U.S. taxpayer.

I want to thank, in particular, previous legislative directors that I've had who've worked on this bill for literally many years. Anne Kim deserves great credit. Cicely Simpson deserves great credit. And my current Legislative Director, James Leuschen, deserves great credit because these are the folks who really carried the ball during the years in which we were, literally, unable to get a vote.

Believe it or not, this bill even faced, this year, a Presidential veto threat; they were so worried about reducing the patronage that they had had in past appointments.

But now, finally, the IGs of America will be professionalized. That is good news, not only for every Federal agency, but also, most importantly, for the Federal taxpayer.

No matter how much oversight we conduct in this Congress, and I'm proud to see the Oversight and Government Reform Committee revitalized under HENRY WAXMAN's leadership, because we are conducting the hearings that really should have been held over many years.

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But no matter how watchful Congress is in looking over Federal agencies, we can't be on the ground in the agency every day the way Inspectors General can be.

So I want to congratulate my friends from New York and Connecticut because these two gentlemen are true public servants. Their hearts are in the right place when it comes to protecting the taxpayer, and now we've even persuaded the majority of the House and the Senate and the White House to do the right thing.

I hope we can have a substantial vote on the suspension for professionalizing Inspectors General of the United States of America.

Mr. SHAYS. Madam Speaker, this legislation is essential if the United States Congress is going to do its job. Our job is not just writing legislation; our job is to do proper oversight of all of the various departments and agencies.

We have Inspectors General that are assigned for each of our departments. We have some who do a really outstanding job, and we have some who do a good job, and some who, frankly, need to do a better job.

I think this legislation will help professionalize this agency in a way that's important for our people, for our country, and for the majority and the minority in this Congress. We want a more efficient government. We want a better-run government. Inspectors General help us do that.

I yield back my time.

Mr. TOWNS. Madam Speaker, I really feel that this legislation is so timely, because when you talk to people, when we had hearings that Inspectors General would come in and talk about the fact that sometimes they would be in the middle of an investigation of some type and that the budget would be cut, or in some instances they were actually fired.

So I think this kind of brings about the independence that they need regardless in terms of the fact that if there is an investigation, if there's problems, it gives them the freedom to be able to move and get the things they need to get done.

I would like to commend all of my colleagues that have been involved in this issue. I would like to commend the staff for bringing us where we are today.

Mrs. MALONEY of New York. Madam Speaker, I rise today in strong support of H.R.

928, the ''Inspector General Reform Act'' This legislation includes provisions of a bill that I introduced last year, along with Ranking Member TOM DAVIS, which will provide for the enhanced protection of the Internal Revenue Service and its employees.

In 1998, Congress passed the Internal Revenue Service Restructuring and Reform Act, which created the Treasury Inspector General for Tax Administration (TIGTA). The legislation gave TIGTA the responsibility for protecting the Internal Revenue Service (IRS) against external attempts to corrupt or threaten IRS employees. At the same time, it excluded the provision of providing ''physical security'' from TIGTA's responsibilities

Prior to the enactment of this law, the former IRS Inspection Service had been responsible for protecting the IRS against external attempts to corrupt or threaten IRS employees. The IRS Inspection Service was responsible for providing armed escorts for IRS employees who were specifically threatened or who were contacting individuals designated as ''Potentially Dangerous Taxpayers.'' The law transferred most of those duties to the new Treasury Inspector General for Tax Administration. Inexplicably, ''physical security'' was excluded from TIGTA's statutory responsibilities.

In its current statutory mission, TIGTA investigates all allegations of threats or assaults involving IRS employees and assists U.S. Attorneys' offices with appropriate prosecutions. However, if TIGTA determines that any of the threats or assaults it investigates call for the provision of physical security, the language of the 1998 law precludes TIGTA from taking action.

Authorizing TIGTA to have armed escort authority would be both more efficient and more effective in advancing tax administration and ensuring the safety of IRS employees.

I am pleased that upon passage of H.R. 928 today, this bill will be sent to the president for his signature. I want to thank Chairman WAXMAN and Ranking Member DAVIS for their support of this provision, and I urge my colleagues to support H.R. 928.

Mr. DAVIS of Virginia. Madam Speaker, today, we take up H.R. 928, the Improving Government Accountability Act. This legislation is intended to enhance the independence of inspectors general throughout government to improve their ability to monitor and oversee executive branch operations.

Since the enactment of the Inspector General Act of 1978, inspectors general throughout government have played an integral role in identifying waste and mismanagement in government. IGs have also been instrumental in aiding Congress and the executive branch to make government more efficient and effective.

We all agree IGs should operate independently, free from political interference. After all, both agency heads and Congress often rely on IG reports to provide frank assessments of the effectiveness of federal programs.

However, inspectors general should also be part of an agency's management structure—albeit with some independence—rather than a ''fourth branch'' of the Federal Government. If we separate the IGs from the day-to-day operations of the agencies they oversee, IGs will cease to perform a constructive, integrated role and instead would become a ''Monday morning quarterback'' with their function solely second-guessing decisions made by agencies.

The House passed its version of this bill last October. At the time, while I supported the bill, I remained concerned that several of the provisions went too far in isolating inspectors general, removing them from the agency decision-making process.

After the Senate passed its bill in April, we began discussions with the Senate Homeland Security and Governmental Affairs Committee and developed a compromise to both bills—which we are taking up today.

I will support the compromise bill as I believe it adequately addresses my remaining concerns by striking the right balance between IG independence and the appropriate management role of inspectors general.

Mr. WAXMAN. Madam Speaker, I rise in support of the Senate amendments to H.R. 928, the Improving Government Accountability Act. This bill, introduced by Representative COOPER, was favorably reported by the Oversight Committee on August 2, 2007, with strong support from members across the political spectrum.

There is a simple reason why this bill has so much support: it strengthens the Inspectors General, who are the first line of defense against waste, fraud, and abuse in federal programs.

The last six years have given us examples of Inspectors General at their best and at their worst.

Stuart Bowen, the Special Inspector General for Iraq Reconstruction, has uncovered fraud and saved American taxpayers hundreds of millions of dollars. Clark Kent Erving and Richard Skinner, the former and current IGs for the Department of Homeland Security, have identified billions in wasteful spending in the new Department. Glenn Fine at the Department of Justice; Earl Delvaney at Interior; and Brian Miller at the General Services Administration have all reported courageously on abuses within the agencies they oversee.

These and other IGs have fought waste, fraud, and abuse and saved the taxpayers billions of dollars.

Yet there are also IGs who seem more intent on protecting their departments from political embarrassment than on doing their job. The Oversight Committee is investigating allegations that the State Department IG has blocked investigations into contract fraud in Iraq and Afghanistan. The Energy and Commerce Committee documented serious abuses by the former IG in the Commerce Department. And the Science Committee has identified serious questions raised about the close relationship of the NASA IG to agency management.

This bill strengthens the good IGs by giving them greater independence. Under this legislation, they will have new budgetary independence, and the President or agency head will have to inform Congress 30 days before any IG is removed.

At the same time, the legislation enacts in statute new mechanisms for holding bad IGs to account. The legislation establishes an ''Integrity Committee'' that will investigate allegations that IGs have abused the public trust.

There have been several key champions of the legislation. Representative COOPER has worked tirelessly on this issue for years and deserves our thanks for his efforts. I would also like to acknowledge Subcommittee Chairman TOWNS for his tremendous leadership in moving this legislation forward and Ranking Member TOM DAVIS for his commitment to strong IGs and his many helpful contributions.

H.R. 928 would make needed improvements to the IG Act and I urge members to support it.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TOWNS) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 928.

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. SHAYS. 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.

SENIOR PROFESSIONAL PERFORMANCE ACT OF 2008

Mr. TOWNS. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 1046) to modify pay provisions relating to certain senior-level positions in the Federal Government, and for other purposes.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 1046

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 ''Senior Professional Performance Act of 2008''.

SEC. 2. PAY PROVISIONS RELATING TO CERTAIN SENIOR-LEVEL POSITIONS.

(a) LOCALITY PAY.—Section 5304 of title 5, United States Code, is amended—

(1) in subsection (g), by amending paragraph (2) to read as follows:

''(2) The applicable maximum under this subsection shall be level III of the Executive Schedule for—

''(A) positions under subparagraphs (A) and (B) of subsection (h)(1); and

''(B) any positions under subsection (h)(1)(C) as the President may determine.''; and

(2) in subsection (h)—

(A) in paragraph (1)—

(i) by striking subparagraph (A);

(ii) in subparagraph (D)—

(I) in clause (v), by striking ''or'' at the end;

(II) in clause (vi), by striking the period at the end and inserting ''; or''; and

(III) by adding at the end the following:

''(vii) a position to which section 5376 applies (relating to certain senior-level and scientific and professional positions).''; and

(iii) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively; and

(B) in paragraph (2)(B)—

(i) in clause (i)—

(I) by striking ''subparagraphs (A) through (C)'' and inserting ''subparagraphs (A) and (B)''; and

(II) by striking ''or (vi)'' and inserting ''(vi), or (vii)''; and

(ii) in clause (ii)—

(I) by striking ''paragraph (1)(D)'' and inserting ''paragraph (1)(C)''; and

(II) by striking ''or (vi)'' and inserting ''(vi), or (vii)''.

(b) ACCESS TO HIGHER MAXIMUM RATE OF BASIC PAY.—Section 5376(b) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking subparagraph (B) and inserting the following:

''(B) subject to paragraph (3), not greater than the rate of basic pay payable for level III of the Executive Schedule.''; and

(2) by adding at the end the following:

''(3) In the case of an agency which has a performance appraisal system which, as designed and applied, is certified under section 5307(d) as making meaningful distinctions based on relative performance, paragraph (1)(B) shall apply as if the reference to 'level III' were a reference to 'level II'.

''(4) No employee may suffer a reduction in pay by reason of transfer from an agency with an applicable maximum rate of pay prescribed under paragraph (3) to an agency with an applicable maximum rate of pay prescribed under paragraph (1)(B).''.

(c) AUTHORITY FOR EMPLOYMENT; APPOINTMENTS; CLASSIFICATION STANDARDS.—Title 5, United States Code is amended—

(1) in section 3104(a), in the second sentence, by striking ''prescribes'' and inserting ''prescribes and publishes in such form as the Director may determine'';

(2) in section 3324(a) by striking ''the Office of Personnel Management'' and inserting: ''the Director of the Office of Personnel Management on the basis of qualification standards developed by the agency involved in accordance with criteria specified in regulations prescribed by the Director'';

(3) in section 3325—

(A) in subsection (a), in the second sentence, by striking ''or its designee for this purpose'' and inserting the following: ''on the basis of standards developed by the agency involved in accordance with criteria specified in regulations prescribed by the Director of the Office of Personnel Management''; and

(B) by adding at the end the following:

''(c) The Director of the Office of Personnel Management shall prescribe such regulations as may be necessary to carry out the purpose of this section.''; and

(4) in section 5108(a)(2) by inserting ''published by the Director of the Office of Personnel Management in such form as the Director may determine'' after ''and procedures''.

(d) EFFECTIVE DATE AND APPLICATION.—

(1) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first pay period beginning on or after the 180th day following the date of enactment of this Act.

(2) NO REDUCTIONS IN RATES OF PAY.—

(A) IN GENERAL.—The amendments made by this section may not result, at the time such amendments take effect, in a reduction in the rate of basic pay for an individual holding a position to which section 5376 of title 5, United States Code, applies.

(B) DETERMINATION OF RATE OF PAY.—For the purposes of subparagraph (A), the rate of basic pay for an individual described in that subparagraph shall be deemed to be the rate of basic pay set for the individual under section 5376 of title 5, United States Code, plus any applicable locality pay paid to that individual on the day before the effective date under paragraph (1), subject to regulations that the Director of the Office of Personnel Management may prescribe.

(3) REFERENCES TO MAXIMUM RATES.—Except as otherwise provided by law, any reference in a provision of law to the maximum rate under section 5376 of title 5, United States Code—

(A) as provided before the effective date of the amendments made by this section, shall be considered a reference to the rate of basic pay for level IV of the Executive Schedule; and

(B) as provided on or after the effective date of the amendments made by this section, shall be considered a reference to—

(i) the rate of basic pay for level III of the Executive Schedule; or

(ii) if the head of the agency responsible for administering the applicable pay system certifies that the employees are covered by a performance appraisal system meeting the certification criteria established by regulation under section 5307(d), level II of the Executive Schedule.

SEC. 3. LIMITATIONS ON CERTAIN PAYMENTS.

(a) IN GENERAL.—Section 5307(d) of title 5, United States Code, is amended—

(1) in paragraph (2), by striking all after ''purposes of'' and inserting: ''applying the limitation in the calendar year involved, has a performance appraisal system certified under this subsection as making, in its design and application, meaningful distinctions based on relative performance.''; and

(2) in paragraph (3)(B)—

(A) by striking all beginning with ''An'' through ''2 calendar years'' and inserting ''The certification of an agency performance appraisal system under this subsection shall be for a period not to exceed 24 months beginning on the date of certification, unless extended by the Director of the Office of Personnel Management for up to 6 additional months''; and

(B) by striking '', for purposes of either or both of those years,''.

(b) EXTENSION OF CERTIFICATION.—

(1) EXTENSION TO 2009.—

(A) IN GENERAL.—For any certification of a performance appraisal system under section 5307(d) of title 5, United States Code, in effect on the date of enactment of this Act and scheduled to expire at the end of calendar year 2008, the Director of the Office of Personnel Management may provide that such a certification shall be extended without requiring additional justification by the agency.

(B) LIMITATION.—The expiration of any extension under this paragraph shall be not later than the later of—

(i) June 30, 2009; or

(ii) the first anniversary of the date of the certification.

(2) EXTENSION TO 2010.—

(A) IN GENERAL.—For any certification of a performance appraisal system under section 5307(d) of title 5, United States Code, in effect on the date of enactment and scheduled to expire at the end of calendar year 2009, the Director of the Office of Personnel Management may provide that such a certification shall be extended without requiring additional justification by the agency.

(B) LIMITATION.—The expiration of any extension under this paragraph shall be not later than the later of—

(i) June 30, 2010; or

(ii) the second anniversary of the date of the certification.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. TOWNS) and the gentleman from Connecticut (Mr. SHAYS) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. TOWNS. 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 New York?

There was no objection.

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

I rise in support of S. 1046, the Senior Professional Performance Act of 2008, introduced by Senator GEORGE VOINOVICH of Ohio.

This legislation passed the Senate with an amendment by unanimous consent on July 11, 2008, and was referred to the House Committee on Oversight and Government Reform.

This legislation amends Federal pay provisions to raise the cap on base pay for certain senior-level scientific and professional government employees while eliminating locality-based comparability payments for the employees.

The legislation makes small changes in the procedures for new appointments of senior-level scientific and professional provisions classified above GS–15. The legislation also allows the director of the Office of Personnel Management to extend the certification of an agency's performance appraisal system, which is otherwise limited to 24 months under the bill, for up to 6 months.

The Congressional Budget Office estimates that implementing this legislation would cost the Federal Government roughly $7 million between 2008 and 2012, which would be paid from discretionary appropriations. This legislation would not affect direct spending or revenues.

In 2003, Congress enacted legislation to reform the pay-for-performance management system for the Senior Executive Service. This legislation, as amended, authorizes agencies to develop and implement similar pay and performance management systems for senior level scientific and professional personnel in order to retain these talented and capable employees.

With the prediction on the high numbers of Federal workers eligible for retirement, it is important that the Federal Government have tools in place to recruit and retain a highly skilled workforce. S. 1046 provides agencies with the flexibility needed to meet future workforce needs of the Federal Government. We recognize that pay-for-performance systems are still under review. However, this bill serves as a first step to improving innovative Federal compensation systems.

Therefore, Madam Speaker, I urge my colleagues to join me in supporting this legislation by agreeing to pass S. 1046.

I reserve the balance of my time.

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

Today we take up the Senior Professional Performance Act of 2008. It's a commonsense reform, and I'm pleased to support it, and so are other members of the committee.

The purpose of this bill is to align the pay system for certain Federal employees with that of the Senior Executive Servicemembers—those who provide the executive management of the Federal Government.

The employees covered by this bill—senior professionals classified as scientific and professional personnel (ST) and senior-level personnel (SL)—are recognized as providing essential specialized skills needed to address the Federal Government's imminent challenges.

The ST employee is a specially qualified, non-executive who conducts research and development functions in the physical, biological, medical, or engineering sciences, or a closely related field.

The SL employee is a high-level nonexecutive who is not involved in fundamental research and development—like a high-level special assistant or a senior attorney in a highly specialized field. The Senior Executives Association, whose members include SL and ST employees, have asked for this pay comparability, as has the Office of Personnel Management.

I intend to support this legislation. I believe other Members on our committee do as well, and we urge our colleagues to do so as well.

I reserve my time.

Mr. TOWNS. Madam Speaker, does the gentleman from Connecticut have additional speakers?

Mr. SHAYS. Madam Speaker, I don't have any additional speakers.

I would just like to say this is an essential bill to make sure that we are getting the kind of employees in our government who can do the kinds of jobs that we need to do. They need to be properly reimbursed, and I thank the gentleman.

I yield back.

Mr. TOWNS. Let me just say that to the critics, this might not be a total solution, but I say to you that it is a giant step in the right direction. I'm happy that my colleague from Connecticut, who also agrees with this, and others who have worked very hard to bring us to where we are today, I would like to salute our staff who worked very hard as well, and to say that, yes, it might not be a total solution, but it is a step in the right direction, a giant step, and that we should move as quickly as possible to make certain that this becomes law by passing it out of this House today.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TOWNS) that the House suspend the rules and pass the Senate bill, S. 1046.

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. SHAYS. 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.

BULLETPROOF VEST PARTNERSHIP GRANT ACT OF 2008

Mr. CONYERS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6045) to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to extend the authorization of the Bulletproof Vest Partnership Grant Program through fiscal year 2012.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6045

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 ''Bulletproof Vest Partnership Grant Act of 2008''.

SEC. 2. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR BULLETPROOF VEST PARTNERSHIP GRANT PROGRAM.

Section 1001(a)(23) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(23)) is amended by striking ''2009'' and inserting ''2012''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Utah (Mr. CANNON) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Madam Speaker, I ask unanimous consent that all Members have 5 days to revise and extend their remarks and include extraneous material.

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

There was no objection.

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

Members of the House, I rise to commend the gentleman from Indiana, PETER VISCLOSKY, for helping us provide more bulletproof vests to policemen. It's kind of amazing that we need to pass a law to get more bulletproof vests for policemen.

More than 800,000 police officers put their lives at risk daily to protect our community. Many of them are protected by bullet-resistant armor, but an alarming number of officers are not afforded this protection because of local budget constraints. So this bill created by the gentleman from Indiana tries to take care of this problem.

The Bulletproof Vest Partnership Grant Program was established back in 1998 to assist State and local law enforcement agencies in securing protective equipment necessary to safeguard the lives of officers. And the program administered by the Department of Justice provides up to half of the matching grants—50 percent of the matching grants for the purchase of protective vests. Since then, the program has enabled thousands of jurisdictions across our Nation to purchase more than 1.5 million such vests.

It's estimated 3,000 law enforcement officers have survived shootings in part due to their bulletproof vest. In recognition of its vital role in the protection of these officers, the Bulletproof Vest Program has been extended, and it's set to expire at the end of fiscal year 2009 unless we extend it again.

Here we reauthorize the program for an additional 3 years so that to help more of our law enforcement officers, and I doubt if there's a Member in this House that isn't in full support of this measure.

I reserve the balance of my time.

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

On Tuesday, the life of an Alexandria, Virginia, police officer was spared because he was wearing a bulletproof vest when he was shot in the chest. The officer was shot during a traffic stop on Interstate 395 just outside of Washington, DC, by a man who later took his own life. Fortunately, the officer is expected to make a full recovery.

There are more than 900,000 State and local law enforcement officers who risk their lives every day to keep our community safe, yet we often lose sight of how quickly something as routine as a traffic stop can turn deadly for a police officer. Each year approximately 16,000 State and local officers are injured in the line of duty. In 2007, for instance, 55 police officers were killed by firearms in the line of duty.

Thankfully, many police officers and sheriff's deputies are saved each year by bulletproof vests. The Bulletproof Vest Partnership was created by the Bulletproof Vest Partnership Grant Act of 1998 as a Department of Justice program to provide funding for bulletproof vests and other body armor to State and local law enforcement.

□ 1115

Since 1999, 40,000 State and local governments have participated in the Bulletproof Vest Program. The program, administered by the Office of Justice Programs, has awarded Federal grants to support the purchase of an estimated 1.5 million vests, including over 800 vests to law enforcement agencies in my home State of Utah, making my police and many police around the country safer.

H.R. 6045 reauthorizes the Bulletproof Vest Partnership Grant Program through fiscal year 2012. This legislation enjoys broad bipartisan support and endorsements from a number of law enforcement organizations, including the Fraternal Order of Police.

It is important that we reauthorize this simple and effective program to protect our men and women in law enforcement. I urge my colleagues to support this bill.

I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I yield to the gentleman from Indiana (Mr. VISCLOSKY) as much time as he may consume.

Mr. VISCLOSKY. I appreciate the chairman yielding very much.

Madam Speaker, I rise today in strong support of H.R. 6045, the Bulletproof Vest Partnership Grant Act of 2008. I am a very proud sponsor of this legislation.

At the outset, I want to express my heartfelt gratification and thanks to my friend, the gentleman from New Jersey (Mr. LOBIONDO) for his lead in cosponsorship of H.R. 6045. Mr. LOBIONDO and I have been partners in this endeavor since 1997.

I would also like to thank the Committee on the Judiciary chairman, Mr. CONYERS, as well as Mr. CANNON, Ranking Member LAMAR SMITH, chairman of the subcommittee BOBBY SCOTT, and subcommittee Ranking Member LOUIE GOHMERT for their strong support and efforts on behalf of this important legislation.

Finally, I would like to thank the 170 bipartisan cosponsors of this measure and the law enforcement organizations that have expressed their strong support.

If I could take a step back, the Bulletproof Vest Partnership Grant Act was introduced in November 1997 after meeting with Northwest Indiana chiefs of police and hearing that many gang members and drug dealers had the protection of bulletproof vests, while many police officers did not. I was even more troubled to learn the reason why so many officers do not have access to bulletproof vests. It was because they are prohibitively expensive. A good vest can cost in excess of $500. Many small departments, as well as larger ones, simply cannot afford to purchase vests for all of their officers, a fact that sometimes forces officers to purchase their own.

Our original legislation was signed into law by President Clinton in June of 1998, and as you know, the purpose of the act is to protect the lives of law enforcement officers by helping State and local government equip them with bulletproof vests. Bulletproof vests and body armor have saved thousands of lives since the introduction of the modern material; however, they cannot protect the lives of those who do not have access to them.

The Fraternal Order of Police have stated that ''body armor is one of the most important pieces of equipment an officer can have and often mean the difference between life and death.''

The grant program has directly benefited every State and territory of the United States, and this critical program provides State and local and tribal law enforcement officers with needed protection by aiding the purchase of protective equipment.

In closing, I again want to thank my good friend Mr. LOBIONDO for his strong leadership and work on this measure over the years and the police officers who risk their lives for us every day, all of us. They are the mothers and fathers, and they are the sons and daughters. It is our obligation to the officers and their families to give them access to the equipment that will safeguard their life.

Madam Speaker, I ask my colleagues for their strong support of this measure.

Mr. CANNON. Madam Speaker, I yield for so much time as he may consume to the gentleman from New Jersey (Mr. LOBIONDO).

Mr. LOBIONDO. Madam Speaker, to my colleague Mr. CANNON, thank you very much.

I would also like to particularly thank Mr. VISCLOSKY. In 1997 when we first started talking about this, there was a dramatic and very sad incident that took place in my district, the Second Congressional District of New Jersey, and I believe that Mr. VISCLOSKY had a similar situation in his district.

Through the 1990s, a variety of groups had been sort of cobbling together the ability to buy vests for officers by selling doughnuts and for cake sales and a number of different ways because they understood the need, but there wasn't a resource to be able to do this. Unfortunately, in 1996, at a State prison in my district, Officer Fred Baker, a corrections officer who was on duty, who was not wearing a vest, was stabbed in the back by an inmate and that stab was fatal.

We can only speculate what the fate would have been of Officer Baker if he had a vest on. I happen to believe that he would be alive today. And when I got back from that break at home, I got together with Mr. VISCLOSKY, and we embarked upon this road to convince our colleagues of the importance of this program.

You've heard the statistics, 40,000 jurisdictions, 1.5 million vests, and people ask, Well, why is it important to keep doing this? Once you've done a vest, why isn't that enough? Well, they have a shelf life. When you put a vest to an officer, it doesn't last forever. The technology increases and they wear out.

This is a critically important program. At a time when all of America wonders whether what's happening in Washington really works on Main Street and in the real world, this is a program that we can point to with absolute certainty that has conclusive, positive benefit. It saves the lives of our police officers.

This is something that works. This is something that Main Street understands. This is something that law enforcement understands, and this is one of those programs where we can do the right thing and continue it.

When an officer is sworn in and receives their badge and their gun, they should be receiving a vest. All across America people get up every morning and don't expect to have a problem, but if that problem occurs and they need that thin blue line, they expect our law enforcement to respond as quickly as they can, and part of that response for law enforcement ought to be the protection that a vest provides. It's the least that we can do.

I strongly support this bill. I thank Mr. VISCLOSKY, I thank Mr. CONYERS, I thank Mr. SMITH of Texas, and all those who are responsible for having this move to the floor today.

Mr. CONYERS. We yield back our time.

Mr. CANNON of Utah. Madam Speaker, I wanted to just thank Mr. VISCLOSKY and also Mr. LOBIONDO who suffered tragic losses and resulted in very important protection for my police and police around the country.

Ms. LORETTA T. SANCHEZ of California. Madam Speaker, I rise in support of H.R. 6045, the Bulletproof Vest Partnership Grant Act of 2008.

Bulletproof vests and body armor have saved thousands of law enforcement officers since the introduction and improvement of bulletproof material.

The Bulletproof Vest Partnership Grant Program provides our brave law enforcement officers with the vital equipment they need to save lives in the line of fire.

This grant program was created in 1999 by the Department of Justice to provide protection to state, local and tribal law enforcement officers by assisting officers in purchasing the protective equipment they need.

Since its inception, the grant program has purchased more than 1.5 million bulletproof vests for over 40,000 jurisdictions in the United States. In 2007 alone, the program provided $28.6 million to state and local law enforcement agencies across America and purchased over 180,000 new bulletproof vests.

In my district, this grant program has awarded more than $45,000 to law enforcement officials in the cities of Anaheim and Santa Ana. As a result, these cities were able to purchase more than 400 vests for their officers.

I am pleased that the House of Representatives is acting to reauthorize the Bulletproof Vest Partnership Grant Program for another three years.

Brave law enforcement officers risk their lives on a daily basis to protect our communities, and this grant program ensures that their communities can help protect them.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 6045.

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. CANNON. 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.

RECESS

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

Accordingly (at 11 o'clock and 34 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1205

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HOLDEN) at 12 o'clock and 5 minutes p.m.

EXPRESSING SENSE OF CONGRESS THAT THE PRESIDENT SHOULD GRANT A POSTHUMOUS PARDON TO JOHN ARTHUR ''JACK'' JOHNSON

Ms. ZOE LOFGREN of California. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 214) expressing the sense of Congress that the President should grant a posthumous pardon to John Arthur ''Jack'' Johnson for the 1913 racially motivated conviction of Johnson, which diminished his athletic, cultural, and historic significance, and tarnished his reputation.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 214

Whereas John Arthur ''Jack'' Johnson was a flamboyant, defiant, and controversial figure in American history who challenged racial biases;

Whereas Jack Johnson was born in Galveston, Texas, in 1878 to parents who were former slaves;

Whereas Jack Johnson was a professional boxer who traveled throughout the United States and the world, fighting both Black and White heavyweight boxers;

Whereas in 1908, after being denied the opportunity to fight two White boxing champions on purely racial grounds, Jack Johnson was granted an opportunity by an Australian promoter to fight Tommy Burns, the reigning world heavyweight champion;

Whereas Jack Johnson defeated Burns to become the first African American to hold the title of world heavyweight champion;

Whereas the victory of Jack Johnson over Burns prompted the search for a White boxer who could beat him, a recruitment effort dubbed the search for the ''Great White Hope'';

Whereas in Reno, Nevada, in 1910, in what was referred to by many as the ''Battle of the Century'', a White former heavyweight champion named James ''Jim'' Jeffries came back from retirement to fight, and lose to, Jack Johnson;

Whereas the defeat of Jeffries by Jack Johnson sparked rioting and aggression toward African Americans and led to racially motivated murders of African Americans nationwide;

Whereas the resentment felt toward Jack Johnson by many Whites was compounded by his relationships with White women;

Whereas between 1901 and 1910, 754 African Americans were lynched, some simply for being ''too familiar'' with White women;

Whereas in 1910, Congress passed the White-slave traffic Act (commonly known as the ''Mann Act''), which outlawed the transportation of women in interstate or foreign commerce ''for the purpose of prostitution or debauchery, or for any other immoral purpose'';

Whereas in October 1912, Jack Johnson became involved with a White woman, Lucille Cameron, whose mother disapproved of the relationship, claimed that Johnson had abducted her daughter, and sought action from the Department of Justice;

Whereas Jack Johnson was arrested by United States marshals on October 18, 1912, for transporting Lucille Cameron across State lines for an ''immoral purpose'' in violation of the Mann Act, but Cameron refused to cooperate with authorities, the charges were dropped, and Cameron later married the champion;

Whereas Federal authorities continued to pursue Jack Johnson and summoned Belle Schreiber, a White woman, to testify that Johnson had transported her across State lines for the purposes of ''prostitution and debauchery'';

Whereas in 1913, Jack Johnson was convicted of violating the Mann Act and was sentenced to 1 year and 1 day in Federal prison, but fled the country to Canada and then to various European and South American countries;

Whereas Jack Johnson lost the heavyweight championship title to Jess Willard in Cuba in 1915;

Whereas Jack Johnson returned to the United States in July 1920, surrendered to the authorities, and served nearly 1 year in the United States Penitentiary at Leavenworth, Kansas;

Whereas Jack Johnson fought boxing matches after his release from prison, but never regained the heavyweight championship title;

Whereas Jack Johnson supported this Nation during World War II by encouraging citizens to buy war bonds and by participating in exhibition boxing matches to promote the sale of war bonds;

Whereas Jack Johnson died in an automobile accident in 1946; and

Whereas in 1954, Jack Johnson was inducted into the Boxing Hall of Fame: Now, therefore, be it

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

(1) John Arthur ''Jack'' Johnson paved the way for African American athletes to participate and succeed in racially integrated professional sports in the United States;

(2) Jack Johnson was wronged by a racially motivated conviction prompted by his success in the boxing ring and his relationships with White women;

(3) the criminal conviction of Jack Johnson unjustly ruined his career and destroyed his reputation; and

(4) the President should grant a posthumous pardon to Jack Johnson to expunge from the annals of American criminal justice a racially motivated abuse of the prosecutorial authority of the Federal Government, and to recognize Jack Johnson's athletic and cultural contributions to society.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. ZOE LOFGREN) and the gentleman from Utah (Mr. CANNON) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. ZOE LOFGREN of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of this resolution expressing the sense of Congress that the President should grant a posthumous pardon to John Arthur ''Jack'' Johnson for the 1913 racially motivated conviction of Mr. Johnson, which diminished his athletic, cultural and historic significance and tarnished his reputation.

More importantly, Mr. Speaker, adoption of this resolution and granting of this posthumous pardon by the President would remove a nearly century-old stain from the reputation of this Nation. Although the harm inflicted on Mr. Johnson can never be undone, it is nevertheless important that we set the record straight and acknowledge that he was wrongfully convicted in a disgraceful climate of racial hatred.

John Arthur ''Jack'' Johnson was a flamboyant, defiant and controversial figure in American history who challenged racial biases. The son of former slaves, Jack Johnson was a professional boxer who traveled throughout the United States and the world, fighting both black and white heavyweight boxers. He was without question one of the greatest boxers this Nation has ever produced.

The resentment felt towards Mr. Johnson by many whites was not limited to his successes in the ring. It was compounded by his relationship with white women, an issue which aroused not just anger, but brutal violence. Between 1901 and 1910, 754 African Americans were lynched, some simply for being perceived as ''too familiar'' with white women.

In 1912, Jack Johnson was arrested by United States marshals and charged with transporting his future wife, Lucille Cameron, across State lines for an ''immoral purpose'' in violation of the Mann Act. Ms. Cameron refused to cooperate with the authorities, the charges were dropped, and she later married the champion.

Federal authorities continued to pursue Jack Johnson and subsequently sought to prosecute him based on charges of ''prostitution and debauchery.'' This time they were able to obtain a conviction, and Mr. Johnson was forced to flee the country.

He returned to the United States in July 1920, surrendered to the authorities, and served nearly 1 year in the

United States Penitentiary at Leavenworth, Kansas. Jack Johnson fought boxing matches after his release from prison, but never regained the heavyweight championship title.

Although this Nation failed him, Jack Johnson remained a patriotic American. He supported this Nation during World War II by encouraging citizens to buy war bonds and by participating in exhibition boxing matches to promote the sale of war bonds. He died in 1946. In 1954, Jack Johnson was finally inducted into the Boxing Hall of Fame, a fitting recognition of the outstanding accomplishments of this great sportsman.

It is time that we also recognize the wrong that was done and do what is in our power to make amends for this wrongful conviction, which destroyed a great boxing career, but not a courageous and indomitable sportsman.

I urge my colleagues to support the measure.

I reserve the balance of my time.

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

The gentlewoman from California has eloquently set forth the facts, the simple facts that relate to why we are here today. This is a profoundly important piece of legislation because it transforms a wrong in American history.

I would just like to say that one of the profoundly important things in our time, one of the things that I am most proud of and most pleased with, in fact one of the things that gives me the greatest pleasure in life, is the fact that we are in a time when a person's ethnicity is less important than his or her capabilities.

I think it is time that we ask the President to pardon Jack Johnson, because he represents some of the difficulty in our past. I am impressed that he was killed in a car accident after he sped away from a restaurant that refused to serve him. Every American today is uncomfortable with that. It was a standard at one point in time. It is not the standard in America today, something that I think is wonderful in our country.

At a time with other crises going on around us, I am pleased to ask for our colleagues to support this bill and do something right, or recognize that some wrong was done in America and do something about that.

I support the passage of House Concurrent Resolution 214, which calls on the President to grant a posthumous pardon to Jack Johnson for a racially motivated conviction for violating the Mann Act.

Jack Johnson was the first African American boxer to become the heavyweight champion of the world. But the Mann Act conviction diminished Mr. Johnson's athletic, cultural, and historic significance and tarnished his reputation.

Jack Johnson was born in Galveston, TX, in 1878. The son of former slaves, Johnson grew up poor. He attended school only until the fifth grade and began boxing as a young teenager.

By 1902, Johnson had won at least 50 fights against both white and black opponents. However, his efforts to win the heavyweight title were thwarted as world champion Jim Jeffries refused to face him. In 1905, Jeffries retired from the sport rather than give Johnson a title fight.

In 1908, Johnson finally won the heavyweight title when he knocked out Tommy Burns in Sydney, Australia. However, Johnson was not officially recognized as champion until 1910, when he bested Jim Jeffries who came out of retirement specifically for the fight.

Johnson went on to defend his title a number of times. But in 1913, at the height of his career, the boxer was convicted of violating the Mann Act—a law that outlawed the transportation of women across state lines for "any immoral purpose."

After his conviction, Jack Johnson fled the country and spent several years abroad as a fugitive. In 1915, he lost his title to Jess Willard in Cuba.

Five years later, Johnson returned to the United States, surrendered to authorities, and served 1 year and 1 day in prison. He was never given another shot at the heavyweight title, and he never cleared his name. He died in a traffic accident in 1946 at age 68. He was furiously speeding away from a restaurant that refused to serve him.

In 2004, filmmaker Ken Burns initiated the movement for a pardon after producing a documentary about Jack Johnson's life. That year, the Senate approved Senate Resolution 447, an earlier version of today's resolution, by unanimous consent.

In 2005, a bipartisan group of Senators, led by Senator MCCAIN, wrote a letter to the President to request a pardon. The letter stated that a pardon "would be a strong and necessary symbol to the world of America's continuing resolve to live up to the noble ideals of freedom, opportunity and equal justice for all."

Although it has been over 90 years since Jack Johnson's conviction and over 50 years since his death, a Presidential pardon would be untimely but still just.

I join my colleagues in supporting this resolution and ask that the President grant a long-awaited pardon to Jack Johnson.

Mr. KING of New York. Mr. Speaker, today I rise in support of H. Con. Res. 214, a resolution granting a posthumous pardon to John Arthur "Jack" Johnson for his 1913 racially motivated conviction. On September 17, 2007, I introduced this resolution with Congressman JESSE JACKSON, and I join today with 40 of my cosponsoring colleagues in urging the House to pass this resolution today.

Jack Johnson became the first black World Heavyweight Boxing Champion in 1908 after defeating Tommy Burns in Australia and kept the title until 1915. He was a flamboyant and controversial figure in American history who paved the way for African-American athletes to participate and succeed in racially integrated professional sports in the United States.

Prompted by his success in the boxing ring and his relationship with a white woman, Jack Johnson was wronged by a racially motivated conviction under the Mann Act. He was convicted in 1913 after fleeing to Canada, Europe and South America and served one year in prison. Being convicted ruined his career and wrongly destroyed his reputation.

Because of this, we believe the President should grant a posthumous pardon to Jack Johnson to clear his name and recognize his athletic and cultural contributions to society. I am proud to have sponsored this resolution on his behalf

Mr. Speaker, I urge all my colleagues to support this resolution.

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

Ms. ZOE LOFGREN of California. Mr. Speaker, I urge adoption of this measure. I appreciate Mr. CANNON's comments, and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. ZOE LOFGREN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 214.

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. CANNON. 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.

EFFECTIVE CHILD PORNOGRAPHY PROSECUTION ACT OF 2007

Ms. ZOE LOFGREN of California. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 4120) to amend title 18, United States Code, to provide for more effective prosecution of cases involving child pornography, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Table of contents.

TITLE I—EFFECTIVE CHILD PORNOGRAPHY PROSECUTION ACT OF 2007

Sec. 101. Short title.
Sec. 102. Findings.
Sec. 103. Clarifying ban of child pornography.

TITLE II—ENHANCING THE EFFECTIVE PROSECUTION OF CHILD PORNOGRAPHY ACT OF 2007

Sec. 201. Short title.
Sec. 202. Money laundering predicate.
Sec. 203. Knowingly accessing child pornography with the intent to view child pornography.

TITLE I—EFFECTIVE CHILD PORNOGRAPHY PROSECUTION ACT OF 2007

SEC. 101. SHORT TITLE.

This title may be cited as the "Effective Child Pornography Prosecution Act of 2007".

SEC. 102. FINDINGS.

Congress finds the following:

(1) Child pornography is estimated to be a multibillion dollar industry of global proportions, facilitated by the growth of the Internet.

(2) Data has shown that 83 percent of child pornography possessors had images of children

younger than 12 years old, 39 percent had images of children younger than 6 years old, and 19 percent had images of children younger than 3 years old.

(3) Child pornography is a permanent record of a child's abuse and the distribution of child pornography images revictimizes the child each time the image is viewed.

(4) Child pornography is readily available through virtually every Internet technology, including Web sites, email, instant messaging, Internet Relay Chat, newsgroups, bulletin boards, and peer-to-peer.

(5) The technological ease, lack of expense, and anonymity in obtaining and distributing child pornography over the Internet has resulted in an explosion in the multijurisdictional distribution of child pornography.

(6) The Internet is well recognized as a method of distributing goods and services across State lines.

(7) The transmission of child pornography using the Internet constitutes transportation in interstate commerce.

SEC. 103. CLARIFYING BAN OF CHILD PORNOGRAPHY.

(a) IN GENERAL.—Chapter 110 of title 18, United States Code, is amended—

(1) in section 2251—

(A) in each of subsections (a), (b), and (d), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''be transported'';

(B) in each of subsections (a) and (b), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''been transported'';

(C) in subsection (c), by striking ''computer'' each place that term appears and inserting ''using any means or facility of interstate or foreign commerce''; and

(D) in subsection (d), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''is transported'';

(2) in section 2251A(c), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''or transported'';

(3) in section 2252(a)—

(A) in paragraph (1), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''ships'';

(B) in paragraph (2)—

(i) by inserting ''using any means or facility of interstate or foreign commerce or'' after ''distributes, any visual depiction''; and

(ii) by inserting ''using any means or facility of interstate or foreign commerce or'' after ''depiction for distribution'';

(C) in paragraph (3)—

(i) by inserting ''using any means or facility of interstate or foreign commerce'' after ''so shipped or transported''; and

(ii) by striking ''by any means,''; and

(D) in paragraph (4), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''has been shipped or transported''; and

(4) in section 2252A(a)—

(A) in paragraph (1), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''ships'';

(B) in paragraph (2), by inserting ''using any means or facility of interstate or foreign commerce'' after ''mailed, or'' each place it appears;

(C) in paragraph (3), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''mails, or'' each place it appears;

(D) in each of paragraphs (4) and (5), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''has been mailed, or shipped or transported''; and

(E) in paragraph (6), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''has been mailed, shipped, or transported''.

(b) AFFECTING INTERSTATE COMMERCE.—Chapter 110 of title 18, United States Code, is amended in each of sections 2251, 2251A, 2252, and 2252A, by striking ''in interstate'' each place it appears and inserting ''in or affecting interstate''.

(c) CERTAIN ACTIVITIES RELATING TO MATERIAL INVOLVING THE SEXUAL EXPLOITATION OF MINORS.—Section 2252(a)(3)(B) of title 18, United States Code, is amended by inserting '', shipped, or transported using any means or facility of interstate or foreign commerce'' after ''that has been mailed''.

(d) CERTAIN ACTIVITIES RELATING TO MATERIAL CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—Section 2252A(a)(6)(C) of title 18, United States Code, is amended by striking ''or by transmitting'' and all that follows through ''by computer,'' and inserting ''or any means or facility of interstate or foreign commerce,''.

TITLE II—ENHANCING THE EFFECTIVE PROSECUTION OF CHILD PORNOGRAPHY ACT OF 2007

SEC. 201. SHORT TITLE.

This title may be cited as the ''Enhancing the Effective Prosecution of Child Pornography Act of 2007''.

SEC. 202. MONEY LAUNDERING PREDICATE.

Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting ''section 2252A (relating to child pornography) where the child pornography contains a visual depiction of an actual minor engaging in sexually explicit conduct, section 2260 (production of certain child pornography for importation into the United States),'' before ''section 2280''.

SEC. 203. KNOWINGLY ACCESSING CHILD PORNOGRAPHY WITH THE INTENT TO VIEW CHILD PORNOGRAPHY.

(a) MATERIALS INVOLVING SEXUAL EXPLOITATION OF MINORS.—Section 2252(a)(4) of title 18, United States Code, is amended—

(1) in subparagraph (A), by inserting '', or knowingly accesses with intent to view,'' after ''possesses''; and

(2) in subparagraph (B), by inserting '', or knowingly accesses with intent to view,'' after ''possesses''.

(b) MATERIALS CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—Section 2252A(a)(5) of title 18, United States Code, is amended—

(1) in subparagraph (A), by inserting '', or knowingly accesses with intent to view,'' after ''possesses''; and

(2) in subparagraph (B), by inserting '', or knowingly accesses with intent to view,'' after ''possesses''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. ZOE LOFGREN) and the gentleman from Utah (Mr. CANNON) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. ZOE LOFGREN of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Ms. ZOE LOFGREN of California. I yield myself such time as I may consume.

Mr. Speaker, the bill we are considering today combines two bills the House passed last November to strengthen the Justice Department's ability to prosecute child pornography. The first fixes a glaring loophole in the Federal statute prohibiting possession of child pornography, which a Federal appeals court last year said requires as an essential element of the offense proof that the images, here kept on a computer desk, had actually crossed State lines.

Our colleague, NANCY BOYDA of Kansas, introduced H.R. 4120 to clarify that this statute covers conduct ''in or affecting interstate commerce,'' not just ''in commerce.'' This small change will have great legal significance, allowing that statute to reach the full extent of Congress' commerce clause powers.

Trafficking in child pornography is national and international in scope, and even conduct that may appear wholly intrastate necessarily affects interstate commerce. This will ensure that our laws reach to their maximum extent, and it is important, because child pornography is one of the worst things that exists in our culture.

The Senate also inserted another House-passed bill, H.R. 4136, introduced by CHRIS CARNEY of Pennsylvania. It adds child pornography proceeds to the money laundering statutes and fixes another loophole that allowed Internet users to get around the laws against possessing child pornography simply by not downloading or saving the images.

Mr. Speaker, these two combined measures will be a tremendous help in the effort to put a stop to this disgusting, abominable exploitation of children and to bring to justice those who traffic in it.

I want to commend Congresswoman NANCY BOYDA and Congressman CHRISTOPHER CARNEY for their sustained commitment to pursuing this effort so that we can see it enacted into law now.

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

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

I would just like to thank the gentlewoman from California for taking the lead here today on this issue. It is an important issue, and she has laid out the facts behind the need for this today.

We live in a world of very quickly transforming technology. The courts sometimes have difficulty keeping up with that, and we have to act to create the legal environment for the courts to appropriately act. This bill does that. I encourage my colleagues to support it when it comes to a vote.

Mr. Speaker, I rise in support of H.R. 4120, the Effective Child Pornography Prosecution Act of 2007. The House passed this legislation in November of last year to combat the pervasiveness of child pornography on the Internet.

Child abuse and exploitation are among the most heinous crimes committed in this country. And in recent years, the Internet, with its virtually unregulated access to information and to people all over the world, has become a foul source for this type of criminal activity. However, in many instances, Federal prosecutors are prevented from seeking justice.

In a decision by the 10th Circuit United States Court of Appeals in United States v. Schafer, the Court ruled the transmission of

child pornography on the Internet did not satisfy the interstate requirement in child pornography laws.

H.R. 4120, the ''Effective Child Pornography Prosecution Act of 2007,'' responds to that decision by expanding jurisdiction for prosecuting Internet child pornography crimes.

This bill allows the government to prosecute cases when child pornography or is transmitted ''using any means or facility of interstate or foreign commerce.'' This is the broadest assertion of interstate commerce power that Congress can make consistent with the Constitution.

H.R. 4120, as passed by the Senate, includes provisions similar to H.R. 4136, the ''Enhancing the Effective Prosecution of Child Pornography Act of 2007'' which also passed the House last November.

This language closes a loophole used by child pornographers to circumvent the law by expanding current child pornography statutes.

Current law prohibits the ''possession'' of child pornography. This law pre-dates the prevalence of the Internet in transmitting child pornography images. Today, a pedophile can access child pornography and view it but, under the current statute, may not be criminally liable for possessing it. This provision will prohibit accessing such content with the intent to view it and will no longer require an offender to actually download the material.

It is no longer sufficient to warn our children to not talk to strangers. With the expansion of the Internet and other technologies, we must now find new ways to protect our children from the dangers of the world.

H.R. 4120, the ''Effective Child Pornography Prosecution Act of 2007,'' provides law enforcement important tools for combating these heinous crimes.

I urge my colleagues to support this bill.

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

□ 1215

Ms. ZOE LOFGREN of California. Mr. Speaker, I appreciate the comments made by the gentleman from Utah. I enjoy working with him, as he knows. I urge Members to support this bill.

Mrs. BOYDA of Kansas. Mr. Spreaker, the Department of Justice estimates that, in the last year, one in five children between the ages of 10 and 17 received a sexual solicitation or approach while they were using the Internet, With so many threats out there, Congress must provide a unified message that we, as a society, will not stand for anything less than a safe Internet. We will do that today when we pass five good pieces of legislation that will help keep our children safe. I am proud that my legislation, H.R. 4120, Effective Child Pornography Prosecution Act will be a part of that message.

A man from Kansas, William Schaefer, was found guilty of both ''knowingly receiving'' and ''knowingly possessing'' child pornography that had been ''transported in interstate commerce, by any means including by computer.''

Sadly, the 10th Circuit Court of Appeals overturned this decision and the offender was not prosecuted to the fullest extent of the law. The Court ruled that just because images are obtained on the Internet, does not mean they were transmitted across state lines and issued the following statements:

We decline to assume that Internet use automatically equates with a movement across state lines.

Congress' use of the ''in commerce'' language, as opposed to phrasing such as ''affecting commerce'' or ''facility of interstate commerce,'' signals its decision to limit federal jurisdiction and require actual movement between states to satisfy interstate nexus.

The Court essentially asked Congress to clarify its intent that the Internet is in fact Interstate Commerce and we did that with passage of the Effective Child Pornography Prosecution Act of 2007. This legislation closes the jurisdictional loophole that allowed a guilty man to escape punishment.

As concerned citizens, parents, and Members of Congress, we must do all we can to keep our children safe. That means we must make a commitment to being tough on crime—to make sure that those who violate the law are fully prosecuted—to ensure that the law is so clear that it deters such heinous crimes from happening.

Ms. ZOE LOFGREN of California. 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 California (Ms. ZOE LOFGREN) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 4120.

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. CANNON. 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.

CODE TALKERS RECOGNITION ACT OF 2008

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on one motion to suspend the rules previously postponed.

The unfinished business is the question on suspending the rules and passing the bill, H.R. 4544, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. GUTIERREZ) that the House suspend the rules and pass the bill, H.R. 4544, 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.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. ARCURI from the Committee on Rules, submitted a privileged report (Rept. No. 110–883) on the resolution (H. Res. 1500) providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 7060, RENEWABLE ENERGY AND JOB CREATION TAX ACT OF 2008

Mr. ARCURI, from the Committee on Rules, submitted a privileged report (Rept. No. 110–884) on the resolution (H. Res. 1501) providing for consideration of the bill (H.R. 7060) to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes, which was referred to the House Calendar and ordered to be printed.

WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. ARCURI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1490 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1490

Resolved, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported on any legislative day through September 27, 2008, providing for consideration or disposition of a measure to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes.

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

Mr. ARCURI. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of this rule is for debate only.

GENERAL LEAVE

Mr. ARCURI. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to insert extraneous materials into the RECORD.

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

There was no objection.

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

Mr. Speaker, House Resolution 1490 waives a requirement of clause 6(a) of rule XIII requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee. The resolution applies to any rule reported on any legislative day through September 27, 2008, providing for consideration or disposition of a measure to

provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes.

I rise today in support of this rule because American families and small businesses need tax relief now more than ever. This rule will allow us to bring legislation to the House floor later today that will not only strengthen our economy by directing tax relief to middle class families and creating jobs at small businesses, but also will help to bring this country into a new alternative energy future that will help to create green collar jobs right here in America, jobs that cannot be outsourced to foreign countries or overseas.

Since being elected to Congress, I have voted, along with this body, to cut taxes for middle class families and small businesses on at least 14 separate occasions. In doing so, this Congress has upheld its pledge to the American people, and I have kept the promise I made to my constituents to provide much-needed tax relief and incentives for economic growth.

I know that there are many families and businesses in my district that are struggling in the current economic crisis. With talk of a $700 billion plan to bail out Wall Street, we cannot, in good conscience, fail to take action to help so many families facing the ever-escalating costs of gasoline and home heating fuel into this winter.

This legislation we will consider provides tax relief and incentives to those who need them most at a fraction of the cost of bailing out the financial industry.

This Congress has shown a strong commitment to the pay-as-you-go rule that we adopted last January. I applaud my Blue Dog Coalition colleagues for their outspoken leadership on the PAYGO consideration and the PAYGO issue. When I explain to folks back home what PAYGO is, I ask them a question: You have to balance your books each month, don't you? The individuals say, of course. They, of course, understand what it means to balance their books. They would not think of spending more than they earn. Businesses would not think of spending more than they earn. You have to ensure that you have enough income coming in to cover your expenses, and, of course, they respond with a nod of the head. They understand it. They get it. And then I say: Shouldn't the Federal Government operate in the same way when it involves spending your tax dollars?

The legislation this rule will allow us to consider today will extend a number of critical tax relief measures targeted at middle class families and small businesses to improve the quality of life and strengthen our economy. Supporting this rule and the tax legislation we will consider later today is simple common sense.

We can provide tax relief and incentives to middle class families, spur innovation, create tens of thousands of new green collar jobs, reduce our dependence on oil from hostile nations and reduce greenhouse gases—and we can do it all in a fiscally responsible manner. I urge my colleagues on both sides of the aisle to support this rule and the underlying legislation.

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

Mr. SESSIONS. I want to thank the gentleman, my friend, Mr. ARCURI, for the time that he has yielded me, and I yield myself such time as I may consume.

''Mr. Speaker, I rise in strong opposition to this martial law rule and in opposition to the outrageous process that continues to plague this House. We have before us a martial law rule that allows the leadership to once again ignore the rules of the House and the procedures and the traditions of this House. Martial law is no way to run a democracy, no matter what your ideology, no matter what your party affiliation.''

I strongly agree with these words, but I cannot, in good faith, take credit for them because I did not write them. I simply just read them. My staff did not write them, nor did any of the Republican staff on the Rules Committee.

In fact, as far as I know, not one Republican had any hand in the composition of this eloquent defense of democracy in the House of Representatives, because their author is actually the gentleman from Massachusetts and a senior member of the Democrat Rules Committee, the gentleman, Mr. MCGOVERN.

He spoke these exact same words on the floor 2 years ago regarding what he eloquently and accurately called a martial law rule, which is what we are being asked to consider here today.

□ 1230

Although these are not my words, I associate myself with them fully because they are as true and relevant today as when they were first used. And since I have already borrowed one selection of the gentleman's words, I would like to point out another comment my esteemed Rules Committee colleague made regarding martial law rules. On December 6, 2006, just 1 month before Democrats were to take control of the House of Representatives, Democrats made a number of promises on how they would run the House which, unfortunately, have not held up well in the contrast to reality.

Before they had control, Mr. MCGOVERN said, ''Mr. Speaker, there is a better way to run this body. The truth, Mr. Speaker, is that the American people expect and deserve better. That's why the 110th Congress must be different. I believe we need to rediscover openness and fairness in the House. We must insist on full and fair debate on the issues that come to this body.''

I would like to ask my friends on the Democrat Rules Committee and this Democratic leadership: What happened? What happened? Where is that openness and the fairness? Where was the openness on the no-energy bill rule where over 90 amendments were closed out, including a Republican substitute?

Where was that openness when we first considered SCHIP reauthorization and we were handed two closed rules by the Democrat leadership? Where has it been over these last 2 years when Democrats have forced a record number of lock-down, closed rules through this House of Representatives with no opportunity for Members, Republicans or Democrats, to improve that legislation? And where is that openness today when we are being asked to consider this tax extenders rule by once again suspending regular order in this House of Representatives?

I know where it is. Our friends, the Democrats, left it out on the campaign trail. And with an upcoming election, I suspect that is where we will be able to find these broken promises once again this next January. It was an empty promise when they made it, and the emptiness of this promise was fulfilled on the opening day of the new majority when the Democrats wrote into the rules of the House closed rules for consideration of the first six bills that they were able to take up, in effect discharging the Rules Committee from its duties for the first six bills they were going to consider. Ah, yes, 6 in '06.

The remedy for examples of unfairness, they criticized the Rules Committee for the way they did their work, and that trend has started, sadly, and continues today.

As the gentleman from Massachusetts (Mr. MCGOVERN) said, ''Mr. Speaker, there is a better way to run this body. The truth, Mr. Speaker, is that the American people expect and deserve better. That is why the 110th Congress must be different. I believe we need to rediscover openness and fairness in this House. We must insist on full and fair debate on the issues that come before this body.''

Mr. Speaker, with these wise words, I reserve the balance of my time.

Mr. ARCURI. Mr. Speaker, I would inquire of my colleague, my friend Mr. SESSIONS, if he has any further speakers. I am prepared to close.

Mr. SESSIONS. Mr. Speaker, I have several speakers.

At this time I yield for such time as he may use to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. I thank my colleague and friend from Texas for yielding.

I come to the floor today bitterly disappointed that this majority is one more time denying the opportunity to fund county timber payments to districts like mine.

The Secure Rural Schools Program aids more than 600 rural counties, and 4,400 school districts in 42 States. Let me say that again: 4,400 school districts, 42 States, 600 rural counties are affected by this.

There is broad bipartisan support to reauthorize this legislation and keep a

nearly century-old commitment to the areas like I represent in rural Oregon where the Federal Government owns more than half of the land, much of it timbered. In the old days they would share the receipts from the timber harvest, and then the Federal Government and the courts shut all of that down.

I have three counties that have more than 8 percent unemployment. Virtually all of the mills are gone. I had people coming up to me last weekend in their overalls asking, Is there any hope? Is there any hope for them and their kids to make a decent living taking care of America's forests? Is there any hope to reauthorize the Secure Rural Schools and Community Self-Determination Act in this Congress? I gave them a little hope. I said the Senate, the United States Senate, seems to be caring about us. And, indeed, in the tax extenders bill passed by the United States Senate by 93–2, they reauthorized the Secure Rural Schools, phasing it out over 4 years in a formula we all agreed to, but we don't necessarily like.

Time and again, Democrat leadership in this House has said ''no'' to that legislation. That is happening right here, right now. It just happened up in the Rules Committee by denying an amendment offered by the gentleman from Washington (Mr. HASTINGS) on a party-line 8–3 vote. They said, no, we won't even let the House vote to take care of these folks back home and keep this 100-year-old Federal commitment. It is outrageous. It is outrageous.

Let me tell you what it means to the people out there. These are real jobs being lost. There are counties in Oregon that may declare bankruptcy. Half the police force in sheriff's offices, the deputies are gone. Road department after road department after road department, cut, slashed, gone. I have counties that have one road maintenance person for every 100 miles of road in their county now. That is the distance from the Nation's capital to Richmond, Virginia, in case you're counting.

You are down to where there won't be any patrols by sheriff's deputies. And yet Americans want to recreate in America's forests. Unfortunately, they go out there and occasionally they get lost. And when they get lost, whom do they call upon to come find them but these same search and rescue teams. Tragically, often they have perished in my State before they get rescued.

It was through funding through this program, or in the old days through the revenue sharing that came to those counties that we were able to have the search and rescue teams and the equipment and everything necessary to go out and try and rescue these families who would get lost or caught in a snowstorm. That is going away.

Schools are deeply affected. In my State, the money, $280 million a year, was funneled throughout all of the school districts. In some States they didn't do it that way. They have already laid off teachers.

Now what is wrong with keeping the word that this Speaker and others said at the beginning of this Congress that there would be an open and fair opportunity for the minority to offer up amendments, have them fully considered, and have them so people can see them.

No, this Rules Committee on an 8–3 basis said we are not going to even allow you to have a vote. And the heck with these county roads and schools where the Federal Government has total control, and the heck with the people who live out there.

County roads and school reauthorization should never have been a partisan issue, and yet it has become that. This House could simply take up the Senate bill under a different rule and allow a vote. And the President of the United States, although he is not the biggest fan of reauthorizing this county payments program, said he would sign that bill that came out of the Senate. So he is not the obstacle. He never said he would veto this. He doesn't like parts of it, but the staff is pretty clear that he would sign it into law and we would reauthorize it.

Republicans would like to see a vote on this. They tried in the Rules Committee, but your Rules Committee said no. So here we are today. This same day rule short-circuits that process with a rule that says this is all you get, and shoves it back to the Senate.

It is time for reform and time for change, and it needs to start right here right now by defeating this same-day rule, by defeating the next rule and giving people in this House the chance to represent their people back home by at least having a vote to reauthorize and fund county roads and schools.

I will tell you, when you let them down, you are hurting literally school kids and putting people's lives in peril because search and rescue will be reduced or eliminated in some areas, and police forces are already being dramatically cut. And that is wrong. It doesn't have to be that way. If we really wanted to solve problems, you wouldn't ram this through the way you are doing it.

Mr. ARCURI. Mr. Speaker, I continue to reserve my time.

Mr. SESSIONS. Mr. Speaker, the gentleman from Oregon (Mr. WALDEN) has now for at least the last 2 years made himself available, built bipartisan support, spoken to people in both parties, built a case, invited people to see the circumstance, and talked on behalf of 42 States, people who live in rural areas that have timber.

The gentleman invited me out this last August, notwithstanding that I am a friend of his, but he invited me out. I landed in Portland, drove east on the beautiful highway that goes to Hood, Oregon, and had an opportunity to meet a lot of the people in the area. They are fabulous. They are outstanding people who live in the very midst of Mount Hood.

I had an opportunity to see Mount Hood from a different perspective than the three climbers from Dallas who were trapped and who died earlier last winter. I had a chance to see Mount Hood in the summertime. As I was there with the gentleman, Mr. WALDEN, he told me the story about the big blowout in the mountain which happened on a separate event, that devastated the area as a result of what Mother Nature had done. He spoke about how the communities got together, how they worked together and solved their problems, just as they did when the three climbers from Dallas perished on the mountain.

But he forthrightly, along with others, reminded me that it is really up to us to get our work done here in Washington. And by no means did the gentleman task me with doing it, but he knew, he knew that I would have the opportunity, along with our colleague, the gentleman from Pasco, Washington, DOC HASTINGS, who is also greatly affected, that we could come back to a committee that we have served on for 10 and 12 years respectively between the two of us, that we would be able to talk to our colleagues whom we have served with on that committee for the past 10 years, that we would be able to express to them the need and the desire for public policy to be addressed at the appropriate time.

Well, the appropriate time is now. The Senate has spoken. Today the bill came over from the Senate, overwhelming vote, and the gentleman from Oregon (Mr. WALDEN) rushed to me to find out what the Rules Committee would do, really just to find out what was in the bill. We found out about the bill only minutes before, which once again is against the rules of the House that you don't consider a bill until it is laid out publicly for 24 hours. But that didn't matter again today.

And so we asked on behalf of the gentleman, Mr. WALDEN, the other members of the Rules Committee what we thought was a bipartisan basis because I believe it is true to say that there are five people on the committee who serve rural areas also or who had heard the compelling story that impacts people all across this country.

So I told Mr. WALDEN, I think we stand a good chance because we are able to come to our colleagues whom we have spent hundreds of hours with over the last 10 years and to say if it is not in your bill, and we found out it was not, but it is in the package that came from the Senate, will you please just include that?

Mr. WALDEN of Oregon. Will the gentleman yield?

Mr. SESSIONS. I yield to the gentleman.

Mr. WALDEN of Oregon. I appreciate the gentleman's kind and generous comments, and also his willingness to come out to my State this summer and see what we are facing in some of these forests.

I talked to a county commissioner from Klamath County yesterday morning. The Winema National Forest now, between the Federal forest land and adjacent private land, there is a half-a-million acres, 500,000 acres, that is now bug infested and nearly dead, if not completely dead. They can go in and treat that area, clean it up, replant it, get the dead trees out for about $250 an acre. If we wait until it catches on fire, taxpayers will spend $1,500 to $2,000 an acre to fight the fire.

Reauthorizing the Secure Rural Schools and Community Self-Determination Act makes funds available through different titles in the bill to assist those local governments and the Forest Service to get in and make our forests less susceptible to catastrophic fire, healthier by removing the dead or diseased trees or those that are bug infested and get ahead of this and actually be better stewards of our lands.

□ 1245

This year, the Federal Forest Service budget spent over half, 52 percent so far, to fight fire. In that forest alone, they had to take $1 million away from forest treatment efforts to pay for fighting fires elsewhere. So we fall further and further behind.

This is not the stewardship of our forests that we should be proud of. It is the lack of stewardship that would cause Theodore Roosevelt to roll over in his grave, the great founder of our Nation's forest system. And it doesn't have to happen. It doesn't have to happen.

Communities shouldn't be evacuated because of fire threat. Our budgets at the Forest Service shouldn't be exhausted to put out fires. And the biggest economic activity in a rural, forested timbered community around these Federal lands shouldn't be the making of sandwiches for the fire fighters. This has to stop.

The gentleman from New York is a cosponsor of the legislation I'm advocating here. There are other members of the Rules Committee that are cosponsors of this legislation on both sides of the aisle. This is our opportunity. This is our moment. This is our time.

The Senate and the White House support this effort in the legislation sent here by the Senate. If not now, when? Or do you let it all burn? Because that's what's happening out there.

Do you put people out of work?

You claim you're for family wage jobs. You're killing them in my part of the world.

Am I angry about this?

You bet I am. This is real life-and-death stuff. I was at the memorial service for the firefighters who were killed in Northern California, killed fighting fires. And while that, tragically, will happen again, and it is not all the fault that we don't have the Community Self-Determination Act in place, we need to get better policy. We need to get ahead of this problem. We need to be the good stewards we're entrusted to be of these lands. It is not that hard to be fair. It shouldn't be that hard.

Mr. SESSIONS. Reclaiming my time, Mr. Speaker, you're hearing a story that happened just minutes ago up in the Rules Committee where the members of the committee had within their sole jurisdiction the ability to handle this issue, to take what is referred to as the ping-pong, the bill that moved over, that was completely in the bill that the gentleman, Mr. WALDEN, and the gentleman, Mr. HASTINGS, have worked so diligently for the last few years to do.

The Rules Committee chairman, the gentlewoman, Ms. SLAUGHTER, said, well, you know, I had to wait 13 years for one of my bills. That was the response.

The answer was, we came back and reasked the Rules Committee if they would please vote for it. Well, what they did is they turned it down on a voice vote. So we asked for a recorded vote.

On a party-line basis, every single Democratic member of that Rules Committee said no to something that is completely within their jurisdiction, completely within their endeavor. And I fail to know where there's any opposition.

It was obstinate, and it was a slap in the face to the members of the committee who have served with them for making a very simple, honest request.

Open, honest, and ethical. These were the words that we were told and the American people were told. Well, the people in these 41 States are going to have to judge that, but they will know, they will know that it was the Rules Committee and the Speaker of this House, not the United States Senate, who voted 93–2. It's not the President of the United States. He's already said he'd sign the bill. It was the Rules Committee, under the complete jurisdiction of the gentlewoman, Ms. SLAUGHTER, and the Speaker of this House.

So we're on the floor today, a little upset. Being slam dunked I can handle. I think being treated in the way that we were is wrong. I think it's wrong to this committee. I think it's wrong to the members who are on it.

We reserve the balance of our time.

Mr. ARCURI. Mr. Speaker, I would like to yield 3 minutes to the gentleman from Vermont, my colleague from the Rules Committee, Mr. WELCH.

Mr. WELCH of Vermont. I thank the gentleman from New York, my colleague on the Rules Committee. I thank my friend from Texas, also a colleague on the Rules Committee.

The legislation before us is long overdue. It's about jobs, about energy efficiency and energy independence, and it's about restoring our confidence that we can produce jobs and produce energy that's clean, environmentally sensitive and strong and durable to help move our economy ahead.

This transition language would allow us to extend about $42 billion in tax incentives. Mr. Speaker, I'm a skeptic oftentimes on tax incentives because they are frequently given to industries that are mature and profitable at the expense of taxpayers. An example of that, of course, is the $13 billion in tax breaks that continue to go to the oil industry that has been doing extremely well with the high price of oil.

Tax incentives properly should be focused on emerging technologies, and emerging industries, where our country, where our companies, our small businesses can use the boost in order to develop the new technologies that will solve a problem that we have, the need for energy, the need for clean energy, and the need to create jobs and energy independence here in this country. This legislation will do that.

I will give just an example. In Vermont, Jeff and Dorry Wolf are two folks who moved to Vermont in 1998, and they had a dream. The dream was they could create a company that would build renewable energy. They got involved in solar energy. And their company, when they started it, at a time when this was a pipe dream, has now become one of our big companies in Vermont. It's become a leader in solar technology. It is doing work all around the country. And these incentives are critical to its continuation.

So, Mr. Speaker, I urge us to pass this rule so that we can pass the underlying legislation, move towards energy independence, create jobs here in this country, and clean up our environment.

Mr. SESSIONS. Mr. Speaker, if I could inquire the time remaining on both sides.

The SPEAKER pro tempore. The gentleman from Texas has 8½ minutes remaining, and the gentleman from New York has 23 minutes remaining.

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 5 minutes to the gentleman from Pasco, Washington, a gentleman who has spoken very eloquently and consistently up in the Rules Committee, and has worked his heart out for the needs of the 41 States that fall within the same position that the gentleman Mr. WALDEN and the gentleman Mr. HASTINGS have. He's a strong advocate. I would like to yield him 5 minutes.

Mr. HASTINGS of Washington. I want to thank my friend from Texas for yielding me the time.

Mr. Speaker, I have been in this body for going on 14 years, and I thought I understood how this system works. We have Republicans and we have Democrats. And always, I think, it's in the best interest of the American people when we can work in a bipartisan way.

The issue I want to address myself to is the Secure Rural Schools Act. It expired. It is very, very important to States, particularly in the western part of the United States where there's a big influence of Federal lands and particularly forest lands.

I just caught the end of what my colleague from Oregon talked about as to

why we are in this situation in the first place. But I can tell you, this is a big economic hit for those rural areas because they don't get the revenue from the Federal lands that they otherwise would have had.

But what I don't understand is that this issue has strong bipartisan support. I serve on the Rules Committee, and there are five of my Democrat colleagues on the Rules Committee, five out of nine, that are cosponsors of this legislation.

We know that we are nearing the end of this Congress. And we know that there are things that have to pass. The tax extender package is a very important package for other provisions in that bill. For example, the sales tax deductibility for States that don't have a State income tax. Florida is in that situation. There are several members of the Rules Committee that are affected by that. My State is one of those.

But this issue of Secure Rural Schools is very, very important. I have four counties in my district that are impacted, and one that is heavily impacted, impacted in a way that my friend from Oregon (Mr. WALDEN) talked about.

What I find rather confusing about this is that we have now a bill that will be brought before us that we could pass in a nanosecond. It's a tax extender bill that the Senate sent over with a vote of 93–2. It has essentially the same provisions that I think everybody agrees, taxes that need to be extended. But it has the provision and a fix to the Secure Rural Schools for 4 years. For 4 years. It allows those communities now to make some plans as to what the transition may be in the future, since we—of course, I think the best thing we ought to do is utilize our Federal lands. But if that's not going to happen, at least they'll have some time to plan for it.

This morning, and, by the way, we got the text of this bill at 9:52 this morning, which is a little over 3 hours ago, even though we were told that we're going to have 24 hours to look at any bill. But we had it at 9:52 this morning. And we discovered that the Secure Rural Schools Act was out of the House bill. It wasn't in there.

Well, I'm a member of the Rules Committee, and as a member of the Rules Committee, you can amend the rules by suspending rules to put certain provisions in that you think need to be passed. It happens all the time, especially at the end of the session.

So here we are, this morning, discovered the Secure Rural Schools wasn't in there. I questioned the individual from the Ways and Means Committee, Mr. BLUMENAUER from Oregon, who came up and testified on the bill, if this was in there. It wasn't in there.

By the way, his State is affected. Even though his district isn't affected, his State is affected.

So I asked him why this was not in the bill. And his response to me was, well, this is a tax bill and really the Secure Rural Schools issue is a spending issue, so we felt it shouldn't be part of the package.

Well, I said, if that's the case, and I accept your argument, then maybe it could go on some appropriation bill.

And then I thought, wait a minute. Yesterday we had a continuing resolution with three appropriation bills that passed this House, and Secure Rural Schools wasn't on it. I don't know why the Democrat leadership didn't put it on that vehicle. That probably would have been the proper one. But we're running out of time. And the House Rules Committee can suspend the rules and attach a provision to anything they want to. We know the Senate bill came over here 93–2.

So, Mr. Speaker, I offered an amendment to take the text of the Senate language, which passed 93–2, and asked that that be debated on the House floor, just asked for it to be debated. If it loses, okay. That's fine. But I think there's broad support. But if it loses, I understand that.

I called for a vote on that. And the vote was on a party-line vote, 8–3 no. In other words, the five Democrats that are cosponsors of this provision, in the waning days of the session, voted ''no'' to consider this on the House floor.

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

Mr. SESSIONS. I will yield the gentleman 1 additional minute with only 2 minutes remaining.

□ 1300

I thank the gentleman for his courtesy.

So as I said from the outset, Mr. Speaker, sometimes I don't understand how this process works because these extenders have to pass. We know that. And further, we know that the President will sign this bill with the Secure Rural Schools language in it. We know that. We know that.

So, Mr. Speaker, I'm kind of frustrated here, and I think this issue should pass. I think the best way to do that, frankly, is to pass the Senate bill and be on with it.

Mr. ARCURI. Mr. Speaker, I would like to yield 4 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman very much.

President Bush and the Senate Republicans have been given opportunity after opportunity to pass tax credit extensions for renewable energy. In just the past year and a half, the Republican leadership has followed the marching orders of the Bush administration and voted 13 times against Democratic efforts to increase our use of renewable energy, help protect consumers from high energy prices, and ensure that Big Oil pays its fair share. They have refused time after time, instead siding with Big Oil and their fossil fuel friends even as oil prices remain sky high.

Now the Senate Republicans couldn't resist this time around, either, sending us a renewable energy tax package stuffed with goodies for coal-to-liquids, tar sands, and oil shale. Big Oil even gets to keep most of their tax breaks even though they're tipping consumers upside down and shaking money out of their pockets. They also want to shake them upside down as taxpayers and get more money as tax breaks from the American people.

The only thing renewable about Republican energy policy for the last 8 years has been their inexhaustible support for the Big Oil agenda.

I commend the great work of Chairman RANGEL in stripping harmful and unnecessary provisions and giving us a genuine clean energy tax package to vote upon today.

This bill primes the renewable energy engine and gives coal a clean path forward with more than $1 billion in tax incentives to demonstrate carbon capture and sequestration. This may be the last chance to get these renewable energy incentives passed into law. If President Bush and Senate Republicans shoot this package down like they've shot down every other opportunity for clean energy tax breaks, then there may not be another opportunity.

Solar and wind companies are delaying projects because of investment uncertainty. History has shown that renewable energy deployment could fall 70 percent or more if these tax incentives lapse. That would translate into a loss of 116,000 job opportunities and $19 billion in private investment loss in 2009 alone. That's one more legacy I fear President Bush has no problem in carrying back to Crawford, Texas: Champaign celebrations for Big Oil and red ink and pink slips for America's high tech energy companies and their green collar workers.

Last year in the United States, more wind capacity was installed than any other source with the exception of natural gas. Thirty-five percent of all new electrical generating capacity installed in the United States last year was wind power.

This year, over 40 percent of all new electrical generating capacity in the United States will be new wind power. Solar photovoltaic installations also increased an amazing 80 percent last year. 2008 will surpass that. But what about 2009? What about 2010?

This bill before us invests in the renewable revolution that will transform America. Electric cars, cellulosic biofuels, wind and solar will assert our energy independence over the coming decade if the President signs this bill.

After 8 years of running on a Bush-Cheney-Big Oil energy plan, America, it is time for an oil change. It is time for us to move off the oil agenda and move on to the solar, the wind, the biofuels.

The slogan for this Congress should be ''Change, baby, change!'' That is not what the Republicans are talking about.

Mr. SESSIONS. I would like to reserve my time

Mr. ARCURI. I am prepared to close, so I would reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, in the remaining time I have, I want you to know that, however, despite everything you have heard, I have good news, good news for the American people. Right now with the passage of this continuing resolution yesterday, Republicans have finally removed the main Democrat roadblock to increasing the domestic production of American energy.

This underlying legislation—which I am going to put on the floor right now—which contains tax credits for energy efficiency and conservation will also help this House to implement what Republicans have advocated for months: an all-of-the-above strategy, including nuclear power.

So today I urge my colleagues to demonstrate the courage of these convictions by voting with me to defeat the previous question. If the previous question is defeated, I will move to amend the rule to allow this House to take up a measure right now right here today that will prevent Members from going home to campaign for reelection without actually passing a comprehensive energy bill into law.

It would make it plain and permanent for their support. It would allow States to expand their exploration and extraction of natural resources along the Outer Continental Shelf; it would open the Arctic energy slope and oil shale reserves to environmentally prudent exploration and extraction; it would extend expiring renewable energy initiatives; it would encourage the streamlining approval and refining of capacity for nuclear power facilities; it would encourage research and development of clean coal, coal-to-liquid, and carbon sequestration technologies and minimizing drawn-out legal challenges that unreasonably delay or prevent actual domestic energy production.

This requirement would force the Democrat leadership to take positive, comprehensive, permanent, and meaningful action to increase the supply of American energy.

Mr. Speaker, all across this country there are cities without gasoline—there are cities without gasoline—and it stands exactly at the feet of the Democrat leadership, the new majority, who is making sure that the American consumer pays record high prices and yet we've done nothing to make sure that the supply side is taken care of.

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

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

There was no objection.

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

Mr. ARCURI. I thank my friend from Texas.

Mr. Speaker, when you listen to the people on the other side of the aisle, you would think that everything that's happened is the fault of the Democratic Party.

They have had the White House for 8 years. We see oil prices as high as they have ever been. Two oilmen in the White House, yet we still see that. We see the economy as bad as the economy has ever been. We're talking about bailing out Wall Street with $700 billion that we're borrowing.

This rule today for this bill is about tax extenders, and that is extenders that would create incentives for alternative energy to help us wean ourselves off of our addiction to foreign oil. And we're doing it in a prudent way, in a way that doesn't borrow and spend, doesn't dump this on the backs of our children and grandchildren, but rather as a paid-for.

The bill that my colleague from Washington spoke about, it's a very good bill, but it hasn't been paid for. These tax extenders today that we're talking about have been paid for. They are extenders that are prudent and responsible.

Supporting this rule and the tax relief legislation we consider later today is simply common sense. We can provide tax relief and incentives to middle class families, we can spur innovation, create tens of thousands of new jobs, reduce our dependence on oil from hostile nations, and reduce greenhouse gasses. And we can do all of it in a fiscally responsible way.

I urge my colleagues to vote "yes" on the previous question and on the rule.

The material previously referred to by Mr. SESSIONS is as follows:

AMENDMENT TO H. RES. 1490 OFFERED BY MR. SESSIONS OF TEXAS

At the end of the resolution add the following new section:

SEC. 3. It shall not be in order in the House to consider a concurrent resolution providing for an adjournment of either House of Congress until comprehensive energy legislation has been enacted into law that includes provisions designed to—

(A) allow states to expand the exploration and extraction of natural resources along the Outer Continental Shelf;

(B) open the Arctic National Wildlife Refuge and oil shale reserves to environmentally prudent exploration and extraction;

(C) extend expiring renewable energy incentives;

(D) encourage the streamlined approval of new refining capacity and nuclear power facilities;

(E) encourage advanced research and development of clean coal, coal-to-liquid, and carbon sequestration technologies; and

(F) minimize drawn out legal challenges that unreasonably delay or prevent actual domestic energy production.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

Mr. ARCURI. I yield back the balance of my time, and I move the previous question on the resolution.

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of the resolution, if ordered, and motion to suspend the rules with regard to H.R. 758.

The vote was taken by electronic device, and there were—yeas 227, nays 198, not voting 8, as follows:

[Roll No. 637]

YEAS—227

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

NAYS—198

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

NOT VOTING—8

Cubin
Davis (IL)
Davis, David
McCrery
Miller (FL)
Moore (WI)
Shuler
Udall (CO)

□ 1336

Mr. FORTENBERRY and Ms. KAPTUR changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Ms. MOORE of Wisconsin. Mr. Speaker, on rollcall No. 637, had I been present, I would have voted "yea."

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

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

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 222, noes 198, not voting 13, as follows:

[Roll No. 638]

AYES—222

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

NOES—198

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

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

NOT VOTING—13

Bachus
Cubin
Davis, David
Hooley
Kaptur
Lewis (CA)
Lewis (GA)
Miller (FL)
Shuler
Thompson (MS)
Tiahrt
Udall (CO)
Velázquez

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1343

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. TIAHRT. Mr. Speaker, on rollcall No. 638, I was unavoidably detained. Had I been present, I would have voted "no."

BREAST CANCER PATIENT PROTECTION ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 758, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 758, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 2, not voting 10, as follows:

[Roll No. 639]

YEAS—421

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
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, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—2

Flake
Paul

NOT VOTING—10

Broun (GA)
Campbell (CA)
Cubin
Davis, David
Hunter
Kirk
Miller (FL)
Rangel
Shuler
Udall (CO)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1353

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 7060, RENEWABLE ENERGY AND JOB CREATION TAX ACT OF 2008

Mr. ARCURI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1501 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1501

Resolved, That upon the adoption of this resolution it shall be in order to consider in

the House the bill (H.R. 7060) to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 10 of rule XXI. The bill shall be considered as read. All points of order against the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit.

SEC. 2. During consideration of H.R. 7060 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

SEC. 3. House Resolution 1489 is laid on the table.

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

Mr. ARCURI. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of this rule is for debate only.

GENERAL LEAVE

Mr. ARCURI. I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and insert extraneous materials into the RECORD.

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

There was no objection.

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

Mr. Speaker, House Resolution 1501 provides for consideration of H.R. 7060, the Renewable Energy and Job Creation Tax Act. The rule provides 1 hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means.

Mr. Speaker, I rise today in support of this rule because American families and small businesses need tax relief now more than ever. This rule will allow us to bring legislation to the House floor later today that will not only strengthen our economy by directing tax relief to middle class families and creating jobs at small businesses, but also help to bring the country into a new future of alternative energy not dependent on foreign energy and foreign fuel.

Since being elected to Congress, I have voted along with this body to cut taxes for middle class families and small businesses on at least 14 occasions. In doing so, this Congress has upheld its pledge to the American people. And I have kept my promise I made to my constituents to provide much-needed tax relief and incentive for economic growth.

I know that there are many families and businesses in my district that are struggling in the current economic crisis. With talk of a $700 billion plan to bail out Wall Street, we cannot, in good conscience, fail to take action to help so many families facing the ever-escalating costs of gasoline and home heating oil into this winter. This legislation we will consider provides tax relief and incentives to those who need them most at a fraction of the cost for bailing out the financial industry.

Mr. Speaker, this Congress has shown a strong commitment to the pay-as-you-go rule adopted last January. I applaud my Blue Dog Coalition colleagues for their outspoken leadership on PAYGO. When I explain to folks back home what PAYGO is, they always ask the same question. I ask, you have to balance the books each month, right? Why shouldn't the government do the same? And they all get it. My constituents get it. And the American people get it. Mr. Speaker, unfortunately, there are still some Members of Congress who are steadfastly against the idea of being fiscally responsible in balancing the Federal books in the same way our constituents balance their checkbooks. But it appears that even our colleagues in the Senate are beginning to come around. The legislation we will consider later today is proof that you can provide tax relief in a fiscally responsible way.

The legislation this rule provides for consideration of will extend a number of critical tax relief measures targeted at middle class families and small businesses to improve the quality of life and strengthen our economy. During these tight economic times, it is also absolutely critical that we pass legislation to invest in jobs for today and long-term development for tomorrow, including jobs in the alternative energy sector like wind and biomass that will reduce our Nation's dependence on foreign oil and bring the price of gasoline and heating oil to levels that families and businesses can afford.

I am a realist. I understand that we can't bring back the millions of manufacturing jobs, including thousands in my own congressional district, which have been moved overseas. However, we can look to the future, a future of our Nation's economy that is green, and recreate jobs that we once lost. It is absolutely essential that we leverage every possible option, whether it is through tax credits, investment through research and development, or education to advance alternative and renewable energy development.

Mr. Speaker, tax credits for alternative energy production have the power to truly jump-start our economy and create good-paying, highly skilled jobs that cannot be outsourced overseas, the type of jump-start, Mr. Speaker, which is already happening in my upstate New York district with the creation of new green collar jobs. In the last 2 years, I have spoken numerous times throughout the debate over extending these renewable energy tax credits about the new businesses in my district that are utilizing the national investment in alternative energy to create good-paying jobs in upstate New York. Those businesses are to be commended. That is why I'm proud to support the approximately $15 billion in long-term, clean renewable energy tax incentives and investments included in this legislation which we will vote for later today.

□ 1400

I hope that by doing so, it will encourage other companies to follow suit, both in my region and across the Nation.

The underlying legislation extends and modifies critical tax credits for production of electricity from renewable sources, ranging from wind, solar and geothermal energy to closed loop and open loop biomass. Specifically, the legislation includes extension of clean, renewable energy bonds, efficient commercial building tax incentives, investment tax credits for solar and fuel cell systems, tax credits for energy efficiency upgrades to existing homes, tax credits for production of efficient home appliances, and tax incentives for consumer purchase of energy efficient products.

Most of these incentives either expired at the end of the last year or are set to expire at the end of this year. It is vitally important to sustaining the development of clean energy technology industries, which will lead to the creation of new jobs, that these tax credit incentives are extended.

The legislation also includes an extension of the Research and Development Tax Credit that allows companies to claim credit for a portion of their R&D expenditures. Extending the R&D credit is vital to ensuring that America remains on the cutting edge of innovation that keeps our domestic companies competitive. This credit is of particular interest in the area of New York that I represent, because its extension will further the expansion of microchip fabrication and nanotechnology industries which are beginning to blossom in upstate New York.

American companies rely on this credit and upon its continuing to adequately plan for their long-term research projects. I support this 2-year retroactive extension to provide that continuing extension, and I will continue to work for a much-needed permanent extension that would eliminate concerns over expirations or lapses.

The legislation also extends and expands and creates important tax credits for individuals.

Supporting this rule and the tax relief legislation we will consider later today is simply common sense. We can provide tax relief and incentives to the middle class, spur innovation, create tens of thousands of new jobs, reduce our dependence on oil from hostile nations and reduce greenhouse gas. We can do all of this in a fiscally responsible manner.

Mr. Speaker, I urge my colleagues on both sides of the aisle to support this rule and the underlying legislation.

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

Mr. SESSIONS. I want to thank the gentleman, my friend from New York, for yielding the time.

Mr. Speaker, I rise in opposition to this new record-breaking 64th closed rule being offered by this Democrat-led Congress, the most open, honest and ethical Congress in the history, proclaimed by our Speaker, NANCY PELOSI. But we have this new record-breaking 64th closed rule, so it makes me kind of wonder which conference she was really in reference to.

Mr. Speaker, I oppose this underlying legislation also. Just in the last 24 hours, Senate Democrat Majority Leader HARRY REID referred to the introduction of this bill as the ability to ''snatch defeat from the jaws of victory,'' because it guts a carefully negotiated and bipartisan compromise reached in the Senate. So what the Senate has worked very closely and clearly on and passed the bill, this Speaker decided we are not going to do it that way. In the waning days of this session, we are not going to play ball with our colleagues in the Senate. So what it does is it leaves many of the deal's most important provisions in limbo, rather than addressing them responsibly today.

Two evenings ago, the Senate passed a comprehensive tax extenders package by an overwhelming and bipartisan vote of 92–3. This legislation included an $18 billion fully offset energy tax policy proposal, as well as a partially offset tax relief package, including an AMT patch to prevent middle class families from being hit with an unprecedented and unintended tax bill, along with important extensions of current tax policy, disaster-related tax provisions for the victims of the Midwest floods and Hurricane Ike, and for mental health parity legislation.

Understanding the delicate balance in that Chamber, Democrat Majority Leader HARRY REID 2 days ago begged Speaker PELOSI not to send the Senate back a different bill, because it won't pass, and that if the House messes, and I quote, ''messes with the package, it will die.''

Today, news reports have surfaced that he is ''furious'' that House Democrats refuse to accept his bipartisan deal and has retaliated with procedural tactics intended to delay the House from continuing along the House Democrat leadership's preferred course of action.

But rather than heeding these dire warnings from their own leadership, from the Senate leadership of their own party, this House Democrat leadership has decided to chop up this legislation into pieces, making substantive and negative changes to many of them, and to engage in a game of legislative chicken with the Senate, rather than doing the responsible thing and making sure that important measures like, we will just name one, like helping the victims of natural disaster, or, as we have heard, tax relief for middle class families who are at risk of being unintentionally caught by a tax created for the super-wealthy, and fairness for our own Nation's rural schools. Each of these passed. They passed in the Senate bill, and we could do it here today.

I am disappointed, Mr. Speaker, that this Democrat majority thinks that scoring some sort of political points on the eve of an election is more important than passing these measures. But, unfortunately, this kind of political gamesmanship has come up all too often in what Speaker PELOSI once again, and we reiterate, promised would be the most open, honest and ethical Congress in history.

Included in this House Democrat package are a number of energy tax incentives for energy efficiency and conservation, which, along with the upcoming October expiration on the ban of drilling for American energy, will go a long way to fulfilling House Republicans' long-term commitment to an all-of-the-above strategy, which helps America achieve energy independence.

Also included in this legislation are important tax provisions for American families trying to make ends meet and for American business trying to create jobs here in America and to be competitive with companies around the world. These include measures like the Research and Development Tax Credit, the State and local sales tax deduction, and the deduction for out-of-pocket expenses for teachers. This is particularly important for families, schools and businesses in my home State of Texas, and I strongly support their inclusion in this legislation.

I do not support, however, the inclusion of measures to permanently raise taxes on the American economy during an economic crisis to simply extend these current job-creating tax policies. Tax increases are never the way to solve a soft economy.

I ask all of my colleagues to vote with me to defeat this rule so that the House can end this political charade and cover a vote for its vulnerable Members, and take up the better Senate option to provide American families and businesses with tax relief they deserve.

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

Mr. ARCURI. Mr. Speaker, contrary to what my friend says, Democrats are not trying to make any political points here. In fact, it is just the contrary. We are trying to get something done here.

I certainly understand that Senator REID has some considerations that he has to make in the Senate, but we have some considerations here in the House, and one of them is something that is very important to me, and that is paying for these provisions that we do, something important to the Blue Dog Coalition here and something important to Congress. We need to pay for it, and that is what this bill is doing. It is paying for it, and it is very important.

I would now like to yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

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

Mr. INSLEE. Mr. Speaker, I would like to address the importance of this bill, the American job creation bill, and how this bill relates to another bill we are working on. By doing that, I just want to share something I saw in Colorado about 3 weeks ago.

I was in Golden, Colorado, at the National Renewable Energy Lab. At that National Renewable Energy Lab I saw a functioning system of powering our cars with solar energy.

It was a photovoltaic cell about 400 square feet mounted on a little pod that basically would run two cars, two electric plug-in cars for a day, just by charging them for about 6 to 8 hours. So you plug them in, they run 40 miles on all electricity, and then they could go another 250 miles on gasoline. Basically what it showed was a vision for this country using home-grown solar power and home-grown electric cars.

This bill is absolutely imperative to make sure that we get that solar energy located in the United States. So these industries like Ausra Solar Thermal Power, like Nanosolar in Palo Alto with photovoltaic power, so we keep building those businesses right here in the United States. And the renewable tax credits are imperative in this bill.

But I want to point out how this dovetails with another bill that is under consideration today in the House, and that is a bill we will have to try to stimulate job creation.

It very important in those plug-in cars that we have that we manufacture in this country the batteries that are going to run our electric cars. When we have plug-in electric cars and fully electric cars, the batteries will represent 50 percent of the value of those cars, and we cannot allow those jobs to go to China and Korea. Unfortunately, right now the plans are to make the car bodies here, but make the batteries in China and Korea. That is a sure loss of tens of thousands of jobs.

So we are working on another bill here today parallel to this one that would create a loan guarantee program to ensure that those battery production jobs stay in America. I am hopeful that we get these renewable energy tax credits extended, and I think it is imperative that we move forward to save the battery industry in this country.

Mr. SESSIONS. Mr. Speaker, it sounds like our friends on the Democratic side are talking off talking points of the Republican Party today, cutting taxes, keeping jobs in America, expanding our economy. We can sure use a little bit of this. It goes a long way. We ought to make it permanent, but we shouldn't do it with a tax increase attached to it.

Mr. Speaker, at this time I would like to yield 5 minutes to my friend, the gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. I want to thank my friend from Texas for yielding.

Mr. Speaker, let me talk about the broad bill and speak as to how important that bill is. I think it is vitally important to extend these tax extenders. Frankly, I think these tax extenders that we have here ought to be made permanent, but maybe we will have a debate on that at a future time.

It is especially important to my State of Washington, because it allows for the sales tax deduction of State sales tax from my Federal income tax obligation, because Washington State, along with six or seven other states, doesn't have an income tax, and this is simply a fairness issue.

So this is a very important bill, very broadly, but it is not a complete bill. This bill in its current form will not pass the Senate and therefore will not become law.

Why is that, Mr. Speaker? The reason why is because it leaves out a very, very important provision, a provision that the Senate put in there, and I don't always like to congratulate the Senate, but in this case, in their wisdom, to take care of a problem that faces rural America, especially, and especially rural America that has a lot of Federal lands, and that is the Secure Rural Schools Act. It extends it for 4 years.

What is this act? This act is simply an act to recognize that Federal policies in the past, i.e. policies that don't allow some communities to log their Federal lands and get the revenue from that, puts a big hurt on local government and school districts. The Secure Rural Schools Act is designed to mitigate that because of Federal policy.

Now, what I can't understand about this is this has broad bipartisan support. It has had support a number of times. And, here we are, winding our way down in this Congress, and you would think that the broad bipartisanship of this would recognize that the Senate passed this bill 93–2 and that they say I think this has a pretty good chance of becoming law. But, no, earlier this morning I offered an amendment to the rule to allow me to simply bring up the opportunity to vote up or down on this issue, and it was defeated on a partisan vote.

Mr. Speaker, this issue is very, very important. I have in front of me here, Mr. Speaker, and I will include it for the RECORD, a letter from the National Forest Counties and Schools Coalition.

□ 1415

The essence of this—and it is dated today—a letter to Speaker PELOSI to include this provision in the Tax Extenders Act.

Well, it is in the act. It is in the act that passed the Senate.

Now maybe there are politics being played with this. I know that we are in a political arena here, sometimes that happens, but I think the Speaker of the House, who comes from urban San Francisco, doesn't understand rural America.

I would suggest that probably the chairman of the Ways and Means Committee, who comes from urban New York City, doesn't understand the needs of rural America. I can only think that's the reason it wasn't included in something that has broad bipartisan support.

I think that we should defeat this rule, and I think what we need to do at the end of the day is to pass the Senate bill, because we know the President will sign it. He has sent a letter to every Member of the House saying that he would sign that bill.

I don't like to concede everything to the Senate. There are a lot of times I disagree with what they are saying.

But I think we need to take into account what the majority leader has said. I think we need to take into account what was said by the senior Senator from Oregon. By the way, Oregon is one of these States that are heavily hit, impacted by the lack of rural school language in this bill.

Senator WYDEN said, after passage of the Senate bill, and I quote, ''Now it's up to the House and the President to do the right thing, or thousands of critical employees in hundreds of communities across Oregon could face a very difficult winter.''

Well, I have got to tell you, the President is on board. He doesn't have to say the President would do the right thing, the President said he would sign this bill. It's up to the House.

The way to accomplish that is to defeat this rule so we can take up the Senate bill and concur with them, send it to the President's desk, and it will become law.

NATIONAL FOREST COUNTIES AND SCHOOLS COALITION,
Red Bluff, CA, September 25, 2008.

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

DEAR SPEAKER PELOSI: We are writing this letter to ask that you please include four years of funding for Secure Rural Schools and PILT in the final version of the Tax Extenders Act of 2008. As you are aware this legislation is crucial to school children and teachers across the nation, and the continuation of vital county services. The Administration ''supports prompt passage'' of H.R. 6049, and has not threatened to veto that legislation if it includes funding for Secure Rural Schools and PILT.

We would very much appreciate your leadership on this issue. You have an opportunity to ensure that school children are afforded the opportunity for a quality education. We look forward to working with you, and other members of Congress, to include this funding package in the final legislation.

Thank you for all your efforts on our behalf.

Sincerely,

ROBERT E. DOUGLAS,
Executive Director.

Mr. RANGEL. Will the gentleman yield?

Mr. HASTINGS of Washington. I will be happy to yield to my friend.

Mr. RANGEL. I don't think there is anything that you have said in support of rural schools that I do not believe in and that I am not willing to support.

I just want to make it abundantly clear that the issue that has caused this logjam with the Senate has nothing to do with the causes that you advocate and I support. There is only one issue that has not brought us here, and that is the issue of whether or not we pay for the extenders or don't pay for the extenders.

It seems like an issue, when we are asked to come up with $700 billion, that should not really concern us that much. But the truth of the matter is, they have sent the bill over here.

The SPEAKER pro tempore (Mr. ROSS). The time of the gentleman from Washington has expired.

Mr. ARCURI. Mr. Speaker, I yield such time as he may consume to the chairman of the Ways and Means Committee, the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. The only real big issue is that they have sent over a 2-year extension, but it's paid for only 1 year. The position that has been taken by the majority in the House is that instead of 2 years, we are prepared to accept the extender package, as is, except that we will reduce it to 1 year so there would be no years unpaid for, or, in the alternative, and I spoke just yesterday with Senator GRASSLEY, we are prepared to pay for the 2 years.

There is a difference, they claim over there, and I have no reason to disagree with them, that if we do anything on the House side, exercise any prerogative in the payment of this, they cannot hold on to their 60 votes.

I want the gentleman to know that I only wish that rural schools would be the only issue, because it could be resolved. It is not the issue. It is only the issue that I stated with you, and I have shared this with the chairman of the Senate Finance Committee, Senator BAUCUS, and have shared it with our Speaker.

That is the issue that is holding up the passage. So we will send another bill back over there.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. RANGEL. Yes, I will.

Mr. HASTINGS of Washington. I appreciate the gentleman yielding.

Mr. Speaker, there are two points I want to make, and I know there are Members on your side that have advocated paying for things.

Yesterday we had two tax bills on the floor, the AMT fix, that didn't have a pay-for, and the disaster relief which didn't have a pay-for. So we have made exceptions to that in the past.

This issue has been in front of us for some time. It is absolutely critical to these communities involved.

Now I would suggest, in fact, when Mr. BLUMENAUER from Oregon was upstairs in the Rules Committee this morning in your stead, he suggested that rural schools probably shouldn't be on this bill, particular bill, because it's a tax bill.

I will concede that that may be a logical course of action. But if that is the case, it seemed to me there should have been another vehicle, like an appropriation bill in the CR, and it wasn't on the CR. We are running out of time, is what I am just suggesting to my friend.

Let me ask my friend, if this bill does not pass, is there any likelihood whatsoever of the Senate bill that passed 93–2 being enacted into law?

Mr. RANGEL. I am telling you that the issues that we have and concerns with the credibility of funding tax decreases is one that exists, but probably between our parties, and we have division in the House. But we would like to believe that in the House of Representatives that we initiate taxes and just sometimes, just sometimes the other body has to yield to our requests.

Four times we sent it over, four times we tried to negotiate. Even yesterday I was talking and trying to see whether we could work out something.

There are times when the integrity of the House is important in order to recognize that we have to get things done, but we have to also maintain some principles. We are at that point now.

I don't know how long it's going to take, but I just came to the floor, when I heard your eloquent argument, which hardly anyone can dispute, to make it clear that if you are a Republican or a Democrat, and you want to help, if you are in business, and you are concerned about the extension of benefits that workers and companies need, if you are concerned about the energy crisis, and you want to do something, that we are going to keep sending packages. If we had someone as eloquent as you on the other side saying let's get something done this year, we wouldn't have this problem.

So when it gets down to it, who is going to yield? Well, we have, again and again and again and again.

As proud as I am of being a Member of Congress and chairman of this committee, it has to stop somewhere where the other body knows that they are just one body of the Congress. They just can't say that they can't get anything done.

But once they do come together, then it means that we don't have anything to say about anything as to what gets in their package.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. RANGEL. I yield.

Mr. HASTINGS of Washington. I appreciate the gentleman yielding. Far be it from me to defend the actions of the other body. I am a Member of this House and I am proud to be a Member of this House.

But we have to recognize this is a bicameral process. Sometimes we have to recognize, as they have to recognize on some legislation that we pass, where we don't move, and that's happened in the past.

This one is a 93–2. That is overwhelming, and it includes language, as I mentioned on Secure Rural Schools, that is very, very important.

So I hope that the Senate bill passes. I would urge my colleagues to defeat this rule, as I mentioned, and the underlying bill so we can take that up, and I appreciate the gentleman yielding me the length of time.

Mr. RANGEL. I appreciate the time that you have given me.

Mr. SESSIONS. Mr. Speaker, I appreciate the chairman, the gentleman from New York, coming down and being on the floor. I really do respect and appreciate that.

It's my hope that the gentleman from New York also heard, and I am not claiming any insensitivity here at all, but I hope that he has heard the story about these 41 States and these, in particular, communities that had counted on and received this money for a long time.

The actual impact, and I am going to yield in just a minute to the gentleman from Oregon, who can more clearly enunciate, but the real impact on 41 States, rural communities, that have forests in their areas, is a real and genuine problem. I had an opportunity this year in August to go out to Oregon and see firsthand.

I had an opportunity firsthand to meet with people who tried to explain to me. They said, Congressman SESSIONS, please look at what we are asking for and the need.

It is my hope, and I would like to know that the gentleman who is the chairman of the Ways and Means Committee would be able to hear firsthand.

And so at this time I would like to yield 5 minutes to the distinguished gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Thank you to my colleague from Texas, and I note the chairman, apparently, has had to leave the floor, but perhaps he will be able to hear this somewhere wherever he is.

It is extraordinarily important to the States that are involved, to the 4,400 school districts that are involved, the 600 rural counties that are involved, this is the opportunity that is being lost. This measure, when it came from the other body, passed by the other body, had in it a 4-year reauthorization bipartisan of the Secure Rural Schools and Community Self-Determination Act.

That funding is used to help school kids go to school in areas where there is a high preponderance of Federal lands, timber lands. That funding is being taken away. It helps pay for search and rescue, fire and police. That funding is being taken away.

You see, I have got counties that up to 70 percent of their land mass is off their tax rolls because it's Federal land. We have 11 national forests in my district alone in the nearly 70,000 square miles of Oregon that I represent.

The mills are closed because of change in policy and litigation. The jobs are lost, the revenues have dried up. Now the Federal Government, in effect, is breaching its nearly century-old commitment, century-old commitment, to share revenues and help.

Now yesterday on this House floor the majority waived twice PAYGO rules on two other tax provisions, waived them. They have waived them before.

If they were going to bring a bill here that has pay-fors in it to pay for the tax extensions, why did they rip out county payments and not, instead, pay for them somehow and put that on the floor? It's a choice they made.

Why didn't they allow us to have at least a vote on the floor on an amendment and let the will of the House be worked, as they promised they would do if they got control of this House, and now seem less inclined to allow?

So there is no opportunity for my side of the aisle, the Republicans, to even offer an amendment, to keep the Federal Government's commitment for the last 100 years to these rural schools and counties and sheriffs' departments, to do the search and rescue, to do the fire work, to do everything they do, educate our kids, among other things. It also denies us the opportunity to reauthorize titles II and III of the Secure Rural Schools and Community Self-Determination Act, which brings together in a collaborative process environmental organizations, forestry and community leaders in all the States.

How can we be better stewards of the lands around us? How do we get out and do the work that, A, produces jobs; B, makes our forests healthier and safer and our communities safer?

That funding stream has dried up. There have been massive layoffs in the local governments that I represent. We have counties in Oregon, some of which are contemplating bankruptcy, bankruptcy, dissolve, go away, turn themselves back to the States and the neighboring counties. This is real serious stuff, and it has been going on a long time.

This is the opportunity before us. We asked the leadership in a bipartisan way. Members of both parties sent letters to the leadership saying can you give us another 1-year extension in the CR. They chose not to, and that's their prerogative.

This is the vehicle that's come from the Senate, or at least the vehicle that the Senate passed would have reauthorized and funded county payments for the next 4 years in a phased-out process.

Now some have alleged in the press that it was dropped because the President was going to veto this bill if it was in it. That's not what the statement of administrative policy says, and I don't believe that's what the chairman said or the leadership on the Democrat side of the aisle said.

This isn't because the President said he would veto it, because he didn't say he would veto it. He said he would sign it if the House would take it up. So this could become law. This could become law. This could be passed, this could become law. We could get back

on track in 600 rural counties and 4,400 school districts in 42 States and be the partner we should be.

We do a lot of things in this Congress for this, our Nation's city. That's right, because there is a huge Federal footprint and presence here, so we do a lot of things to help the residents of Washington, DC. I believe the figure is 26 percent of the land mass of Washington, DC is Federal. And the rest is private.

You get out in the west and upwards of half of our States in some cases, and sometimes more, is Federal ground. When there is a fire in the forest, which we have had, again, another record season of fire-fighting costs and loss of life and loss of habitat and forests, it is the local sheriff's department. It is the local community that is affected.

□ 1430

In southern Oregon this year in the Rogue Valley, for nearly a month the air quality was about as bad as you can get because of the fires in northern California choking the air shed. There is so much work we need to do out in our forests.

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

Mr. SESSIONS. I yield the gentleman an additional 3 minutes.

Mr. WALDEN of Oregon. In the Winema-Fremont National Forest, there is more than 500,000 acres of Federal and private land that is ready to go up in smoke. It is disease-ridden. There is beetle kill. And because of the way that the budget is structured and this Congress' refusal—we did it in the House but the Senate hasn't taken it up, a bill to create a separate fire category for the Forest Service, they have had to take $1 million out of that one forest alone to pay for current fire-fighting costs elsewhere, which means the money is not available to go in and do the thinning and remove the dying trees and open up the stands and deal with the beetle kill. They have had to put all of that, or at least $1 million of it, on hold which just means that the problem gets worse faster. So when it ignites, and it will, folks, you will have half-a-million acres in the northwest, in the Winema-Fremont National Forest, go up in smoke.

Now this legislation, if we can get an amendment, and if you vote down the previous question, I will offer a 4-year extension as the alternative. So you will have a chance to vote. If you are for county payments, vote ''no'' on the previous question.

If that fails, then our motion to recommit will be the full Senate bill that has the 4-year extension with county payments in it.

So this is where the rubber hits the road. This is where you have an opportunity to be for county payments, for your local schools, for the sheriff service, for search and rescue. For all the things, the collaborative approaches to forest management that this legislation in the past has helped provide.

Unless you think that this is a partisan issue, it never was and should never be, because it was enacted in a Republican Congress with a Democrat President, and it has been hailed as a marvelous success on the ground, and it has been a wonderful partnership until it was allowed to expire. Today we need to reauthorize it. Today we need to be given at least the opportunity to vote on it. What is wrong in a democratic institution, the finest on the planet, of offering us at least an opportunity to vote? You have the votes if you want to kill it. You outnumber us on rules more than 2-to-1. There are ways to do this. It doesn't have to be this way.

Mr. ARCURI. Mr. Speaker, I yield to the distinguished majority leader, the gentleman from Maryland, 1 minute.

Mr. HOYER. I thank the gentleman for yielding.

I rise in strong support of this rule and strong support of this bill.

I want to say to my friend, I am mindful of the issue he raises. I think that ought to be addressed and I certainly will look forward to working with him and others in addressing this as we move along; and before, hopefully, we leave here because he makes a good point.

I support this bill for two reasons. First, because it provides essential tax relief to American families and businesses. And secondly, just as importantly, because it is paid for.

The tax credits extended by this bill, some of the most necessary, are those that support renewable energy and energy efficiency. Business and political leaders agree. This summer, 51 State governors sent us a letter which read in part: ''Extending tax incentives for energy efficiency and conservation will slow the growth of future energy needs, minimize ratepayers' costs, and lessen potential environmental impacts.''

New energy technologies may not end the pain of $4 a gallon gas in the short term, but those technologies which this bill helps to support are the only long-term solutions to our energy crunch. In the meantime, alternative energy tax credits will create tens of thousands of American jobs. We must pass this legislation.

Now, I was proud of the fact that the House passed a bill expanding domestic production of oil just this month. But a country that controls less than 3 percent of the world's oil supply, while using more than a quarter, cannot drill its way out of the fundamental problem. Boone Pickens has made that very clear to all of us.

That is why I am glad to see the House consider farsighted legislation like this. But I don't just support the goals of this bill, I support it because its tax credits are not financed by even more debt. We are going to incur a lot of debt, we are going to incur a lot of debt in this week. We did so yesterday. Almost all of the Members of this House voted to so-called fix the alternative minimum tax. I voted against that. I voted against it because it wasn't paid for.

The means used to pay for this legislation are not controversial. They include a provision to close a loophole that allows hedge fund managers and other high-income corporate executives to defer taxes through offshore tax havens. What does that mean, the rest of us pay more.

A large majority of the business community agrees that we should close that loophole. So do majorities in the House and Senate. Only a Republican minority in the Senate, frankly, is putting high-income tax loopholes above fiscal sanity. They are insisting, instead, that we pay for this bill with borrowed money.

I understand that bind, the bind that presents for principled Senate Democrats. But fiscal responsibility is not something we can compromise on, especially now. We have a crisis. This economy is in the worse shape it has been in half a century, notwithstanding the protestations that were made in 2001 and 2002 and 2003 and 2004 and 2005 and 2006 about how good this economy was, and the fact that the tax and economic policies being pursued by this administration were making our economy grow and expand and create jobs. The fact of the matter is, we have lost jobs this year; 500,000 jobs. Bill Clinton in the same period of time in his administration created 1.4 million new jobs. That is a net turnaround of 2 million jobs.

But fiscal responsibility is not something that we can compromise on, especially now. In crisis, we need to act. But in time of financial crisis brought on, in part, by massive fiscal irresponsibility and regulatory neglect, Mr. Speaker, no matter how much we value this extenders bill, it is simply wrong to pay for it by once more whipping out the national credit card. We don't need to do that. We have not done it, and I hope my colleagues on both sides of the aisle will support this bill. They support the policies. All we are asking is to pay for it, and the pay-fors in this bill are not controversial. That is the kind of thinking that swung the Clinton surplus deep into record debt under President Bush and led to more foreign borrowing by this administration than by the first 42 administrations combined. In other words, we have had to borrow more money from foreign governments during the last 90 months than we borrowed in the previous 219 years.

We helped to create a crisis of confidence in our financial system which we are being asked to pay for, dearly. Charging our children and grandchildren for our priorities is deeply unwise, and I would suggest immoral.

This year, Senator BOB CORKER, a Republican, was one of the few Republicans to bravely break with his party and insist that this bill be paid for. He said, and I call my Republican colleagues' attention to what BOB CORKER had to say: ''It is the first time in a

long time I thought we had something that was intellectually honest,'' and that is paying for this bill. ''And I have to tell you, my big fear is our tremendous lack of fiscal discipline.'' So said BOB CORKER, Republican from Tennessee, when calling upon his body to pay for this bill.

That fear of more debt is entirely reasonable. I am glad more and more Members of Congress are coming to share it.

I urge my colleagues on both sides of the aisle, not because they are Republicans or Democrats, but because they love our country, they want to see our fiscal ship of state righted, realizing we are in a crisis time, and they have an opportunity to act in a fiscally responsible way today. Take that opportunity. Show America that we have the courage to pay for what we buy while at the same time giving tax relief to people who need it, to businesses who will expand and create jobs, and to an energy independence that is so critical for our Nation.

Mr. SESSIONS. Mr. Speaker, I appreciate the gentleman, my friend, the majority leader of the House, for coming down and being on the floor. I would, if I can, not take his words but to take his feelings and understandings in the way I accept this, as well as the gentleman from Oregon, that the majority leader has indicated that he will try before this session is over to address this issue. It is my hope that the majority leader, and so that we don't engage in talking past each other, would not do what happened on July 30 when the gentleman, the chairman of the Agriculture Committee said in a colloquy that he would also work with another Member of the Republican team before the bill came back on an amendment. That never happened.

It is my hope, without calling anyone's bluff around here, to take the gentleman's words that I believe he very sincerely stated, that he would initiate the opportunity to find a place in the budget, I'm sorry, in an appropriation bill, to get passed by the House of Representatives and the Senate because that's what we are talking about. We are talking about a bill today that could have passed because the President would sign it and the Senate would agree to it. So I have taken it that way.

Now, the gentleman from Maryland also indicated that he saw nothing controversial in this bill, but extending future taxes for 1 year, this provision is going to cost employers $1.474 billion. That is a tax increase. That means it makes it more difficult for employers to hire employees. It sounds like the same type of arrangement that some of our other States have done, up to and including the State of Illinois that raised taxes just like this which puts Illinois where they are 48 out of 50 in job creation. It places States in a position and employers in the position where they lay off employees. So there is a controversial piece in this package that I am disappointed is in there as a permanent tax increase.

Mr. Speaker, at this time I would like to yield 2 minutes to the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Speaker, I am very pleased to have heard the tremendous support for our rural schools throughout America. I am bringing this up because the Senate tax extenders package has funding for rural schools in it. We have gone for the entire year without addressing this problem. Our layoff notices have gone out in California already. I have one county, Plumas County, where they will be laying off a majority of their administrators, nearly one-third of their teachers, they will be closing all school libraries and closing some, if not all, of the school cafeterias. This is a problem that cries out for action.

I was very happy to hear the chairman of the Ways and Means Committee, as reported to me, that he indicated that he did not have a problem with this. I personally spoke with the President of the United States who understands the problem of our rural schools and is willing to support it. We just can't get the House of Representatives to keep it in the bill when it comes to the floor.

Mr. Speaker, representing the 4,400 schools that qualify for this aid, and the 780 counties in this country where the schools are located, I implore you, we must act to save our rural communities. They are entitled to be included in this bill and to get the funding that they deserve. It is unconscionable that we keep going with bills through this Congress and fail to address this issue.

So please, let's work together on a bipartisan basis and a bicameral basis and take care of our rural communities starting with the Secure Rural Schools and Self-Determination Act for our communities.

Mr. ARCURI. Mr. Speaker, I yield 4 minutes to the gentleman from Oregon (Mr. BLUMENAUER), a member of the Ways and Means Committee.

Mr. BLUMENAUER. I appreciate the gentleman yielding me this time to speak on this, and his leadership in bringing this measure to the floor.

This is an important element to bring together to finally wrap up and end a game of political ping-pong. We have passed four times through the House of Representatives these critical energy provisions, along with the tax extenders.

We have a proposal before us today that is something that our friends on the other side of the Capitol ought to be able to accept. It meets all of the needs of things that we all agree should be part of this legislation, and it is paid for by using provisions all of which have already passed the other body. These are not controversial. These are things on which there is agreement.

We can meld these together and be able to have the provisions that are so critical for research and development, for solar, for wind. There are others obviously that deal with important parts of our economy and items that relate to individual families in terms of tax extenders.

□ 1445

There is something in this legislation for virtually everybody on the floor of the House, for the people that we represent, and in terms that do not have to be controversial. Indeed, our chairman of Ways and Means took out a provision that is near and dear to his heart, a proposal that was a recommendation from the President of the United States, to keep the American commitment at Ground Zero; not that it's not important, but it's not there in order to make this a clean tax bill and to minimize controversy.

There have been some concerns about the rural schools provision. I come from the State of Oregon. I have been here working in a bipartisan basis, to atone for what the last Republican-controlled Congress did, where they allowed this provision to expire. The Republicans chose not to renew it, so we started from scratch. We had to scramble to find a budget home.

I see my colleague, PETER DEFAZIO from Oregon here, who's been a champion trying at every turn to move this forward. And we've actually got it through in several provisions through the House of Representatives.

It's ironic that there are some who would come to the floor, and sadly, as we heard them, attack the Speaker, the Rules Committee Chair in the past and others who are trying to help us and whose leadership is critical.

I've talked to the majority leader a few minutes ago. You just heard his words on the floor as he told me privately that he would continue to work with us. We're not done yet. Let's look for a provision in which we could get help for rural school. The best way to do it is to take people at their word, yes, try and work with them, and yes, not to insult the people who we're relying on to help us guide it through. I would hope we are people of goodwill.

The rural schools funding is not a tax provision and not germane. I hope we can find an opportunity in an economic stimulus bill or something else, that is appropriate. I want to deal with the problem at Ground Zero.

But let's not muddy the waters on this bill. Let's not vote against the rule. Let's not disparage people whose help we need at a time when there are all sorts of things going on here and we're going to need to work together cooperatively.

Mr. RANGEL. Will the gentleman yield?

Mr. BLUMENAUER. I would be honored to.

Mr. RANGEL. Let me try to clear up some things. It's insulting to believe that because I come from the City of New York that I don't understand the problems of education in rural areas. In

this great country it's so important that all of our kids have——

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

Mr. ARCURI. I yield an additional 2 minutes.

Mr. BLUMENAUER. And I continue to yield.

Mr. RANGEL. Thank you so much, a distinguished member of our committee, and I've heard your eloquent plea on behalf of education for our rural children. And whether they're in inner cities or rural areas, in order for this country to be productive, in order for this country to make certain that we can compete, we've got to improve the quality of education.

Now, people are talking about the other body's bill as though we have it. They're holding up that bill at the desk. They won't bring that bill over here. All we're trying to do is to say, don't hold back the incentives that we have for businesses to continue what they're doing in order to get energy.

Now, I can give some assurances too. We have to think, not as Democrats and Republicans, but we have to think about having the House of Representatives respected, and to believe that in the House of Representatives, the people govern.

And I can assure you, if we can break down that gridlock as relates to who's going to be responsible and pay for these incentives, I have no problems, even though that bill does not have jurisdiction in my committee, as the chairman in accepting that, because I know how important it is.

But if you weaken us, they come over here, and you believe that they're right because they have 90 votes? Well, God knows that we can work out something with Republicans and have our way on everything as long as we say you're going to get what you want. That's not the way we think that we should legislate.

You have a good issue. We accept the issue. We can work with the issue. And we can do it in the other body's bill. That other body's bill has not been sent over here, for political purposes, in order to believe that at the last minute there's going to be a cave-in.

Mr. BLUMENAUER. I want to thank the chairman for his expression of support. I just would conclude by saying that we want to make sure that this bill goes forward for the things the American people need, and we can work on the long term for these other solutions. And I appreciate the gentleman's clarification——

Mr. RANGEL. We can do it in this bill.

Mr. BLUMENAUER. And your leadership.

Mr. SESSIONS. Mr. Speaker, the gentleman from New York has hit upon a great idea, which means we can do this today, which means, if the previous question is defeated, we can just add the gentleman, Mr. WALDEN's amendment right to the bill. We can get it accepted. There's no need to go back to committee. It'll just be accepted as it is.

We've heard lots of people from the majority, including the majority leader, the gentleman from New York, who does care about schools. He cares about education. But today we can resolve this.

You see, what happened is I was just upstairs, Mr. Speaker, at the Rules Committee, and we lost 9–4 on a party-line vote. We tried the process. Republicans respectfully came and tried. Evidently we're making progress today. That makes me happy.

So the gentleman can, with respect, whatever his words may be, will have a chance today. We're not going to send anything back to the committee. We'll just add the amendment to the bill once the previous question is defeated.

Mr. RANGEL. Will the gentleman yield?

Mr. SESSIONS. I would yield to the gentleman.

Mr. RANGEL. I want to give you as much assurance as to what can be done and what can't be done. It may sound good to say that you can add it to the bill. Just because it has no germaneness in the Senate does not prevent me, in conference, from accepting it. But I can't help to make your amendment germane on a bill that has nothing to do with rural education, no matter how deep the commitment.

All I can promise you, if we showed the solidarity in sending our bill over there as they clearly have in sending their bill over here, I can assure you in conference, if it's in their bill I will be able to support it. But the question of having an amendment when it's not germane is something that we can't win on.

Mr. SESSIONS. Reclaiming my time, I would like to ask the gentleman. It's my understanding that this was a conference report.

Mr. RANGEL. We have never, never, never, been able to go into conference. We've ended conferences with the other body. They make up their mind what they want to do and they come and tell me, and then around the edges we get some agreement.

Mr. SESSIONS. Well, I thank the gentleman. Reclaiming my time, you know, we could sit here and ping-pong back between you and me too. I'm trying to say that the gentleman, Mr. WALDEN, has respectfully brought the issue for over 2 years.

We were upstairs yesterday in the Rules Committee. The gentleman from Pasco, Washington, DOC HASTINGS, politely asked. He served on the committee 12 years. I've only served on it 10 years. We politely asked if we could get it in. And now we're down being nice to each other on the floor.

All I'm suggesting to you is we can go through our own parliamentary procedure properly. We can get it included in and then we know that all of our words did matter.

But without that, without that, the gentleman from Oregon is correct. Otherwise, then it is only the Democrat leadership, the Speaker and the Rules Committee who will be responsible for it not making it. The committee had that opportunity yesterday. We're going to give every single Member of this body the opportunity in just a few minutes. I'm hopeful that people take us up on it.

Mr. Speaker, at this time I would like to yield 2 minutes to the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. Mr. Speaker, this is indeed a unique situation as I rise to speak on something that I consider to be extremely significant, and it seems as if it has almost bipartisan and bi-House support for doing this at the same time.

We throw around a lot of numbers in this floor, and I think there's only two that I would like to emphasize right now, 52 and 4. 52 and 4. Because one of the situations that we have in this particular issue is that if you live east of the Rocky Mountains, only 4 percent of all of it is owned by the Federal Government; and 52 percent of those of us who live west of it is owned by the Federal Government, which creates a unique and significant problem.

Mr. Speaker, if I could, for a moment, I would like to yield to the gentleman from Texas.

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

I'm going to offer and place forward this amendment to H. Res. 1501. It will allow this body to be able to vote, when we defeat the previous question, to add in the amendment directly to the bill.

I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, it will be entered into the RECORD.

There was no objection.

Mr. ARCURI. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin, a member of the Ways and Means Committee, Mr. KIND.

Mr. KIND. Mr. Speaker, I want to thank my good friend from New York for yielding me the time and for his management of this important rule and the important legislation that we're going to have a chance to debate and consider in a short while.

But I also want to thank the chairman of the Ways and Means Committee for his strong commitment to the rural school portion that's been discussed on the floor here.

As someone who represents Western Wisconsin, with many rural schools, I have the utmost confidence that we're going to find a way, working with the Senate, whether it's in conference in the reconciliation that will inevitably have to take place between this energy tax incentive extender bill that we have before us and what they've moved earlier in the week in order to get this provision done. It is important, across the aisle, that we accomplish that.

But let's get back to the substance of what we have before us here, which represents, I believe, an important step along the road to developing a comprehensive energy plan that makes sense for our country's future and our children's future because of the crucial investment that it makes with the tax incentives to develop alternative and renewable energy sources in this country.

Throughout the summer, and for too long, we have heard the chant from the other side that the answer to our energy woes is ''drill, drill, drill.'' But Thomas Friedman is correct in stating that it's comparable to a group of citizens standing up on the eve of the information technology revolution, screaming for more electric typewriters, electric typewriters, electric typewriters, when our national chant really should be, ''invent, invent, invent.'' It's the only way we're going to see our way out of the energy box and crisis that we're facing as a Nation and throughout the world. That's what this bill helps us to accomplish, with tax incentives for the development of wind and solar, fuel cell development, geothermal, electric hybrid technology, but also the incentives to enhance conservation and an efficiency program, which is another important aspect towards energy independence; extending the credit for energy efficient improvements to existing homes, for instance, energy efficient commercial buildings, energy efficient appliance credits, accelerated depreciation for smart meters and smart grid systems, qualified green building and sustainable design projects, as well as the extension of the R&D tax credit, which will help spur the investment in clean technology and clean energy sources.

The only real difficulty we have with this legislation is the fact that the Democratic Party, since we took the majority, believes that we need to start paying for things again. We have responsible offsets to pay for this so we don't dig a hole deeper for our children to climb out of. And when we adopted pay-as-you-go budgeting rules, we did it not because we thought it was going to be fun or easy. We did it because we thought it was the responsible thing to do, so that we don't leave a legacy of debt to our children and grandchildren.

And the revenue offsets that we identify in this bill to pay for the investment and build-out of renewable energy in this country, come from the exorbitant tax breaks that big oil companies receive under their bill at a time of record profits with oil companies sitting on huge cash reserves. That's why this legislation is important, and I encourage my colleagues to support it.

Mr. SESSIONS. Mr. Speaker, we will reserve our time.

□ 1500

Mr. ARCURI. Mr. Speaker, I yield 1 minute to the gentlewoman from Arizona (Ms. GIFFORDS).

Ms. GIFFORDS. This week, Congress is grappling with grave economic issues, issues that are facing our Nation's economy, and we're all being called upon right now to ensure that America's financial situation is secure. But today we also have an opportunity to look beyond the present and ensure that America's future is strong, and that's what this energy tax bill is all about.

In particular, I want to call your attention to the solar tax credits. Solar power is clean, it's domestic, it's renewable, it's going to bring us closer to energy independence and provide us with powerful economic benefits across our great Nation.

According to a recent study, an 8-year extension of the solar ITC could lead to more than 440,000 jobs and attract $232 billion in investment. Not only is that serious economic stimulus, it will foster a cleaner, safer, and more sustainable world. But without the solar ITC being signed into law this year, it will not happen.

We have to pass this bill. We must work with the Senate. We must work with the White House.

Time is not on our side.

Mr. SESSIONS. We will reserve our time, Mr. Speaker.

Mr. ARCURI. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. No one's district, with perhaps the exception of the other gentleman from Oregon, is impacted more than mine by the issue of counties and schools. And no one has worked harder to try to get it included. And actually it was said yesterday that we didn't have a vote in the House on county schools. We did, actually, in May, and the Republicans chose to side with Big Oil instead of with counties and schools. I got 218 votes, but I needed a two-thirds majority to pass it.

And it was also included in an energy package last year, a major energy initiative sent by the House to the Senate which was filibustered by 41 Republican Senators, again, over the issue of protecting Big Oil.

So the record's pretty clear here. I appreciate the chairman of the Ways and Means Committee saying he's going to work with us and try to help us with this vehicle or other vehicles in the closing days of this Congress to get this critical funding, and I take heart with that because he's an honorable man.

We've got another problem, and it is downtown. It's called George Bush. Here is the President's statement on county schools: ''Finally, the administration opposes new, mandatory funding for payments in lieu of taxes, and believes that any extension of rural community payments should be phased out, as it has previously proposed. The administration urges Congress to eliminate all such provisions from the final bill.'' All such provisions. That's the President's position.

If this President would lift one pinky, we would have county school funding. He muscled $465 million in foreign aid into the continuing resolution that passed the House yesterday because he wanted $365 million for Georgia, but he didn't ask for a penny for county schools here in the United States of America. And by the way, that wasn't Georgia the State, that's Georgia the country overseas; one of his favorite places, I guess.

If we just had a little bit of help downtown, we could get this done. And we're not done here yet. We're going to fight like heck in the next 2 days to get it.

Mr. SESSIONS. Mr. Speaker, we will reserve our time.

Mr. ARCURI. Mr. Speaker, I am prepared to close. I have no further speakers.

I reserve my time.

PARLIAMENTARY INQUIRY

Mr. SESSIONS. Mr. Speaker, it's my understanding that the bill that we're debating now and that was passed by the Rules Committee is not the package that is on the floor now, that there was a change that was made upwards of $100 million, and that the Rules Committee, in fact, met—and in my opinion should not have—and we passed a bill that's not on the floor.

And I don't know—I'm looking for some clarification on this. I'm saying that right now on the floor. This is not the same bill that is presently on the floor that we passed in the Rules Committee.

And I'm asking for the Speaker to rule this bill out of order or to tell me what we believe is the correct thing to do because we think that there's been a huge mistake.

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

Mr. SESSIONS. I would say I have a point of parliamentary inquiry.

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

Mr. SESSIONS. Mr. Speaker, what version of the bill do we presently have on the floor, and was it the same that was passed by the Rules Committee this morning?

The SPEAKER pro tempore. The Chair does not interpret a resolution while it is pending.

The gentleman from New York is recognized.

Mr. ARCURI. I reserve the balance of my time.

Mr. SESSIONS. Then I would ask the gentleman from the Rules Committee, and I would say directly to the gentleman, we do not believe that the bill that is presently on the floor today was exactly the same bill that was considered and passed in the Rules Committee and we are asking for clarification. We believe there is at least a $100 million difference.

Mr. ARCURI. As I understand it, the bill that is on the floor today is the very same bill that was before the Rules Committee earlier today.

Mr. SESSIONS. So you believe it is exactly the same bill that we passed in the Rules Committee?

Mr. ARCURI. As I understand it, it is the same bill that we saw in the Rules Committee. That's right.

Mr. SESSIONS. I was looking for a direct answer from the gentleman.

Mr. Speaker, we've made our point today that we're going to ask that the gentleman, once the previous question is defeated, the gentleman from Oregon will have a chance to not send the bill back to committee; just to accept the amendment. And we have made our case on the floor today. We asked for and received clarification about the bill.

I yield back the balance of my time.

PARLIAMENTARY INQUIRY

Mr. DEFAZIO. Mr. Speaker, parliamentary inquiry.

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

Mr. DEFAZIO. The parliamentary inquiry would be if the previous question, as the gentleman suggests, were defeated, under the rules of the House and the germaneness, are all rules at that point waived and this could be added to the bill, or would the germaneness rule apply and would a point of order stand against it?

The SPEAKER pro tempore. If the previous question was defeated, the rules of the House would continue to apply.

Mr. DEFAZIO. I guess that means it would not be in order; is that correct?

The SPEAKER pro tempore. That would be a hypothetical question. The Chair will not render an advisory opinion.

Mr. ARCURI. Mr. Speaker, supporting this rule and the tax relief legislation we will consider later today is simply common sense. We can provide tax relief and incentives to middle class families, spur innovation, and creates tens of thousands of new jobs, reduce our dependence on oil from hostile nations, reduce greenhouse gases, and we can do it in a fiscally responsible way. That is to say, we can do it without putting the price tag on our children and our grandchildren. We can pay for it today.

I urge my colleagues to vote ''yes'' on the previous question and the rule.

The material previously referred to by Mr. SESSIONS is as follows:

AMENDMENT TO H. RES. 1501 OFFERED BY REP. SESSIONS OF TEXAS

Strike all after the resolved clause and insert the following:

That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 7060) to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 10 of rule XXI. The bill shall be considered as read. All points of order against the bill are waived. The previous question shall be considered as ordered on the bill, and any amendment there to, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) the amendment relating to the reauthorization of the Secure Rural Schools and Community Self-Determination Act printed in section 4 of this resolution, if offered by Representative Walden of Oregon or his designee, which shall be in order without intervention of any point of order, shall he considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and and opponent; and (3) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 7060 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill, to such time as may he designated by the Speaker.

SEC. 3. House Resolution 1489 is laid on the table,

SEC. 4. The amendment referred to in section 1 is as follows:

At the end of the bill add the following new section:

SEC. 409. SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION PROGRAM.

(a) REAUTHORIZATION OF THE SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000.—The Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106–393) is amended by striking sections 1 through 403 and inserting the following:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Secure Rural Schools and Community Self-Determination Act of 2000'.

''SEC. 2. PURPOSES.

''The purposes of this Act are—

''(1) to stabilize and transition payments to counties to provide funding for schools and roads that supplements other available funds;

''(2) to make additional investments in, and create additional employment opportunities through, projects that—

''(A)(i) improve the maintenance of existing infrastructure;

''(ii) implement stewardship objectives that enhance forest ecosystems; and

''(iii) restore and improve land health and water quality;

''(B) enjoy broad-based support; and

''(C) have objectives that may include—

''(i) road, trail, and infrastructure maintenance or obliteration;

''(ii) soil productivity improvement;

''(iii) improvements in forest ecosystem health;

''(iv) watershed restoration and maintenance;

''(v) the restoration, maintenance, and improvement of wildlife and fish habitat;

''(vi) the control of noxious and exotic weeds; and

''(vii) the reestablishment of native species; and

''(3) to improve cooperative relationships among—

''(A) the people that use and care for Federal land; and

''(B) the agencies that manage the Federal land.

''SEC. 3. DEFINITIONS.

''In this Act:

''(1) ADJUSTED SHARE.—The term 'adjusted share' means the number equal to the quotient obtained by dividing—

''(A) the number equal to the quotient obtained by dividing—

''(i) the base share for the eligible county; by

''(ii) the income adjustment for the eligible county; by

''(B) the number equal to the sum of the quotients obtained under subparagraph (A) and paragraph (8)(A) for all eligible counties.

''(2) BASE SHARE.—The term 'base share' means the number equal to the average of—

''(A) the quotient obtained by dividing—

''(i) the number of acres of Federal land described in paragraph (7)(A) in each eligible county; by

''(ii) the total number acres of Federal land in all eligible counties in all eligible States; and

''(B) the quotient obtained by dividing—

''(i) the amount equal to the average of the 3 highest 25-percent payments and safety net payments made to each eligible State for each eligible county during the eligibility period; by

''(ii) the amount equal to the sum of the amounts calculated under clause (i) and paragraph (9)(B)(i) for all eligible counties in all eligible States during the eligibility period.

''(3) COUNTY PAYMENT.—The term 'county payment' means the payment for an eligible county calculated under section 101(b).

''(4) ELIGIBLE COUNTY.—The term 'eligible county' means any county that—

''(A) contains Federal land (as defined in paragraph (7)); and

''(B) elects to receive a share of the State payment or the county payment under section 102(b).

''(5) ELIGIBILITY PERIOD.—The term 'eligibility period' means fiscal year 1986 through fiscal year 1999.

''(6) ELIGIBLE STATE.—The term 'eligible State' means a State or territory of the United States that received a 25-percent payment for 1 or more fiscal years of the eligibility period.

''(7) FEDERAL LAND.—The term 'Federal land' means—

''(A) land within the National Forest System, as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)) exclusive of the National Grasslands and land utilization projects designated as National Grasslands administered pursuant to the Act of July 22, 1937 (7 U.S.C. 1010–1012); and

''(B) such portions of the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant land as are or may hereafter come under the jurisdiction of the Department of the Interior, which have heretofore or may hereafter be classified as timberlands, and power-site land valuable for timber, that shall be managed, except as provided in the former section 3 of the Act of August 28, 1937 (50 Stat. 875; 43 U.S.C. 1181c), for permanent forest production.

''(8) 50-PERCENT ADJUSTED SHARE.—The term '50-percent adjusted share' means the number equal to the quotient obtained by dividing—

''(A) the number equal to the quotient obtained by dividing—

''(i) the 50-percent base share for the eligible county; by

''(ii) the income adjustment for the eligible county; by

''(B) the number equal to the sum of the quotients obtained under subparagraph (A) and paragraph (1)(A) for all eligible counties.

''(9) 50-PERCENT BASE SHARE.—The term '50-percent base share' means the number equal to the average of—

''(A) the quotient obtained by dividing—

''(i) the number of acres of Federal land described in paragraph (7)(B) in each eligible county; by

''(ii) the total number acres of Federal land in all eligible counties in all eligible States; and

''(B) the quotient obtained by dividing—

''(i) the amount equal to the average of the 3 highest 50-percent payments made to each

eligible county during the eligibility period; by

''(ii) the amount equal to the sum of the amounts calculated under clause (i) and paragraph (2)(B)(i) for all eligible counties in all eligible States during the eligibility period.

''(10) 50-PERCENT PAYMENT.—The term '50-percent payment' means the payment that is the sum of the 50-percent share otherwise paid to a county pursuant to title II of the Act of August 28, 1937 (chapter 876; 50 Stat. 875; 43 U.S.C. 1181f), and the payment made to a county pursuant to the Act of May 24, 1939 (chapter 144; 53 Stat. 753; 43 U.S.C. 1181f–1 et seq.).

''(11) FULL FUNDING AMOUNT.—The term 'full funding amount' means—

''(A) $500,000,000 for fiscal year 2008; and

''(B) for fiscal year 2009 and each fiscal year thereafter, the amount that is equal to 90 percent of the full funding amount for the preceding fiscal year.

''(12) INCOME ADJUSTMENT.—The term 'income adjustment' means the square of the quotient obtained by dividing—

''(A) the per capita personal income for each eligible county; by

''(B) the median per capita personal income of all eligible counties.

''(13) PER CAPITA PERSONAL INCOME.—The term 'per capita personal income' means the most recent per capita personal income data, as determined by the Bureau of Economic Analysis.

''(14) SAFETY NET PAYMENTS.—The term 'safety net payments' means the special payment amounts paid to States and counties required by section 13982 or 13983 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66; 16 U.S.C. 500 note; 43 U.S.C. 1181f note).

''(15) SECRETARY CONCERNED.—The term 'Secretary concerned' means—

''(A) the Secretary of Agriculture or the designee of the Secretary of Agriculture with respect to the Federal land described in paragraph (7)(A); and

''(B) the Secretary of the Interior or the designee of the Secretary of the Interior with respect to the Federal land described in paragraph (7)(B).

''(16) STATE PAYMENT.—The term 'State payment' means the payment for an eligible State calculated under section 101(a).

''(17) 25-PERCENT PAYMENT.—The term '25-percent payment' means the payment to States required by the sixth paragraph under the heading of 'FOREST SERVICE' in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

TITLE I—SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LAND

''SEC. 101. SECURE PAYMENTS FOR STATES CONTAINING FEDERAL LAND.

''(a) STATE PAYMENT.—For each of fiscal years 2008 through 2011, the Secretary of Agriculture shall calculate for each eligible State an amount equal to the sum of the products obtained by multiplying—

''(1) the adjusted share for each eligible county within the eligible State; by

''(2) the full funding amount for the fiscal year.

''(b) COUNTY PAYMENT.—For each of fiscal years 2008 through 2011, the Secretary of the Interior shall calculate for each eligible county that received a 50-percent payment during the eligibility period an amount equal to the product obtained by multiplying—

''(1) the 50-percent adjusted share for the eligible county; by

''(2) the full funding amount for the fiscal year.

''SEC. 102. PAYMENTS TO STATES AND COUNTIES.

''(a) PAYMENT AMOUNTS.—Except as provided in section 103, the Secretary of the Treasury shall pay to—

''(1) a State or territory of the United States an amount equal to the sum of the amounts elected under subsection (b) by each county within the State or territory for—

''(A) if the county is eligible for the 25-percent payment, the share of the 25-percent payment; or

''(B) the share of the State payment of the eligible county; and

''(2) a county an amount equal to the amount elected under subsection (b) by each county for—

''(A) if the county is eligible for the 50-percent payment, the 50-percent payment; or

''(B) the county payment for the eligible county.

''(b) ELECTION TO RECEIVE PAYMENT AMOUNT.—

''(1) ELECTION; SUBMISSION OF RESULTS.—

''(A) IN GENERAL.—The election to receive a share of the State payment, the county payment, a share of the State payment and the county payment, a share of the 25-percent payment, the 50-percent payment, or a share of the 25-percent payment and the 50-percent payment, as applicable, shall be made at the discretion of each affected county by August 1, 2008 (or as soon thereafter as the Secretary concerned determines is practicable), and August 1 of each second fiscal year thereafter, in accordance with paragraph (2), and transmitted to the Secretary concerned by the Governor of each eligible State.

''(B) FAILURE TO TRANSMIT.—If an election for an affected county is not transmitted to the Secretary concerned by the date specified under subparagraph (A), the affected county shall be considered to have elected to receive a share of the State payment, the county payment, or a share of the State payment and the county payment, as applicable.

''(2) DURATION OF ELECTION.—

''(A) IN GENERAL.—A county election to receive a share of the 25–percent payment or 50–percent payment, as applicable, shall be effective for 2 fiscal years.

''(B) FULL FUNDING AMOUNT.—If a county elects to receive a share of the State payment or the county payment, the election shall be effective for all subsequent fiscal years through fiscal year 2011.

''(3) SOURCE OF PAYMENT AMOUNTS.—The payment to an eligible State or eligible county under this section for a fiscal year shall be derived from—

''(A) any amounts that are appropriated to carry out this Act;

''(B) any revenues, fees, penalties, or miscellaneous receipts, exclusive of deposits to any relevant trust fund, special account, or permanent operating funds, received by the Federal Government from activities by the Bureau of Land Management or the Forest Service on the applicable Federal land; and

''(C) to the extent of any shortfall, out of any amounts in the Treasury of the United States not otherwise appropriated.

''(c) DISTRIBUTION AND EXPENDITURE OF PAYMENTS.—

''(1) DISTRIBUTION METHOD.—A State that receives a payment under subsection (a) for Federal land described in section 3(7)(A) shall distribute the appropriate payment amount among the appropriate counties in the State in accordance with—

''(A) the Act of May 23, 1908 (16 U.S.C. 500); and

''(B) section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

''(2) EXPENDITURE PURPOSES.—Subject to subsection (d), payments received by a State under subsection (a) and distributed to counties in accordance with paragraph (1) shall be expended as required by the laws referred to in paragraph (1).

''(d) EXPENDITURE RULES FOR ELIGIBLE COUNTIES.—

''(1) ALLOCATIONS.—

''(A) USE OF PORTION IN SAME MANNER AS 25-PERCENT PAYMENT OR 50-PERCENT PAYMENT, AS APPLICABLE.— Except as provided in paragraph (3)(B), if an eligible county elects to receive its share of the State payment or the county payment, not less than 80 percent, but not more than 85 percent, of the funds shall be expended in the same manner in which the 25-percent payments or 50-percent payment, as applicable, are required to be expended.

''(B) ELECTION AS TO USE OF BALANCE.—Except as provided in subparagraph (C), an eligible county shall elect to do 1 or more of the following with the balance of any funds not expended pursuant to subparagraph (A):

''(i) Reserve any portion of the balance for projects in accordance with title II.

''(ii) Reserve not more than 7 percent of the total share for the eligible county of the State payment or the county payment for projects in accordance with title III.

''(iii) Return the portion of the balance not reserved under clauses (i) and (ii) to the Treasury of the United States.

''(C) COUNTIES WITH MODEST DISTRIBUTIONS.—In the case of each eligible county to which more than $100,000, but less than $350,000, is distributed for any fiscal year pursuant to either or both of paragraphs (1)(B) and (2)(B) of subsection (a), the eligible county, with respect to the balance of any funds not expended pursuant to subparagraph (A) for that fiscal year, shall—

''(i) reserve any portion of the balance for—

''(I) carrying out projects under title II;

''(II) carrying out projects under title III; or

''(III) a combination of the purposes described in subclauses (I) and (II); or

''(ii) return the portion of the balance not reserved under clause (i) to the Treasury of the United States.

''(2) DISTRIBUTION OF FUNDS.—

''(A) IN GENERAL.—Funds reserved by an eligible county under subparagraph (B)(i) or (C)(i) of paragraph (1) for carrying out projects under title II shall be deposited in a special account in the Treasury of the United States.

''(B) AVAILABILITY.—Amounts deposited under subparagraph (A) shall—

''(i) be available for expenditure by the Secretary concerned, without further appropriation; and

''(ii) remain available until expended in accordance with title II.

''(3) ELECTION.—

''(A) NOTIFICATION.—

''(i) IN GENERAL.—An eligible county shall notify the Secretary concerned of an election by the eligible county under this subsection not later than September 30, 2008 (or as soon thereafter as the Secretary concerned determines is practicable), and each September 30 thereafter for each succeeding fiscal year.

''(ii) FAILURE TO ELECT.—Except as provided in subparagraph (B), if the eligible county fails to make an election by the date specified in clause (i), the eligible county shall—

''(I) be considered to have elected to expend 85 percent of the funds in accordance with paragraph (1)(A); and

''(II) return the balance to the Treasury of the United States.

''(B) COUNTIES WITH MINOR DISTRIBUTIONS.—In the case of each eligible county to which less than $100,000 is distributed for any fiscal year pursuant to either or both of paragraphs (1)(B) and (2)(B) of subsection (a), the

eligible county may elect to expend all the funds in the same manner in which the 25-percent payments or 50-percent payments, as applicable, are required to be expended.

''(e) TIME FOR PAYMENT.—The payments required under this section for a fiscal year shall be made as soon as practicable after the end of that fiscal year.

"SEC. 103. TRANSITION PAYMENTS TO STATES.

''(a) DEFINITIONS.—In this section:

''(1) ADJUSTED AMOUNT.—The term 'adjusted amount' means, with respect to a covered State—

''(A) for fiscal year 2008, 90 percent of—

''(i) the sum of the amounts paid for fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2008; and

''(ii) the sum of the amounts paid for fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2008;

''(B) for fiscal year 2009, 81 percent of—

''(i) the sum of the amounts paid for fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2009; and

''(ii) the sum of the amounts paid for fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2009; and

''(C) for fiscal year 2010, 73 percent of—

''(i) the sum of the amounts paid for fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2010; and

''(ii) the sum of the amounts paid for fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2010.

''(2) COVERED STATE.—The term 'covered State' means each of the States of California, Louisiana, Oregon, Pennsylvania, South Carolina, South Dakota, Texas, and Washington.

''(b) TRANSITION PAYMENTS.—For each of fiscal years 2008 through 2010, in lieu of the payment amounts that otherwise would have been made under paragraphs (1)(B) and (2)(B) of section 102(a), the Secretary of the Treasury shall pay the adjusted amount to each covered State and the eligible counties within the covered State, as applicable.

''(c) DISTRIBUTION OF ADJUSTED AMOUNT.—Except as provided in subsection (d), it is the intent of Congress that the method of distributing the payments under subsection (b) among the counties in the covered States for each of fiscal years 2008 through 2010 be in the same proportion that the payments were distributed to the eligible counties in fiscal year 2006.

''(d) DISTRIBUTION OF PAYMENTS IN CALIFORNIA.—The following payments shall be distributed among the eligible counties in the State of California in the same proportion that payments under section 102(a)(2) (as in effect on September 29, 2006) were distributed to the eligible counties for fiscal year 2006:

''(1) Payments to the State of California under subsection (b).

''(2) The shares of the eligible counties of the State payment for California under section 102 for fiscal year 2011.

''(e) TREATMENT OF PAYMENTS.—For purposes of this Act, any payment made under subsection (b) shall be considered to be a payment made under section 102(a).

''TITLE II—SPECIAL PROJECTS ON FEDERAL LAND

"SEC. 201. DEFINITIONS.

''In this title:

''(1) PARTICIPATING COUNTY.—The term 'participating county' means an eligible county that elects under section 102(d) to expend a portion of the Federal funds received under section 102 in accordance with this title.

''(2) PROJECT FUNDS.—The term 'project funds' means all funds an eligible county elects under section 102(d) to reserve for expenditure in accordance with this title.

''(3) RESOURCE ADVISORY COMMITTEE.—The term 'resource advisory committee' means—

''(A) an advisory committee established by the Secretary concerned under section 205; or

''(B) an advisory committee determined by the Secretary concerned to meet the requirements of section 205.

''(4) RESOURCE MANAGEMENT PLAN.—The term 'resource management plan' means—

''(A) a land use plan prepared by the Bureau of Land Management for units of the Federal land described in section 3(7)(B) pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712); or

''(B) a land and resource management plan prepared by the Forest Service for units of the National Forest System pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

"SEC. 202. GENERAL LIMITATION ON USE OF PROJECT FUNDS.

''(a) LIMITATION.—Project funds shall be expended solely on projects that meet the requirements of this title.

''(b) AUTHORIZED USES.—Project funds may be used by the Secretary concerned for the purpose of entering into and implementing cooperative agreements with willing Federal agencies, State and local governments, private and nonprofit entities, and landowners for protection, restoration, and enhancement of fish and wildlife habitat, and other resource objectives consistent with the purposes of this Act on Federal land and on non-Federal land where projects would benefit the resources on Federal land.

"SEC. 203. SUBMISSION OF PROJECT PROPOSALS.

''(a) SUBMISSION OF PROJECT PROPOSALS TO SECRETARY CONCERNED.—

''(1) PROJECTS FUNDED USING PROJECT FUNDS.—Not later than September 30 for fiscal year 2008 (or as soon thereafter as the Secretary concerned determines is practicable), and each September 30 thereafter for each succeeding fiscal year through fiscal year 2011, each resource advisory committee shall submit to the Secretary concerned a description of any projects that the resource advisory committee proposes the Secretary undertake using any project funds reserved by eligible counties in the area in which the resource advisory committee has geographic jurisdiction.

''(2) PROJECTS FUNDED USING OTHER FUNDS.—A resource advisory committee may submit to the Secretary concerned a description of any projects that the committee proposes the Secretary undertake using funds from State or local governments, or from the private sector, other than project funds and funds appropriated and otherwise available to do similar work.

''(3) JOINT PROJECTS.—Participating counties or other persons may propose to pool project funds or other funds, described in paragraph (2), and jointly propose a project or group of projects to a resource advisory committee established under section 205.

''(b) REQUIRED DESCRIPTION OF PROJECTS.—In submitting proposed projects to the Secretary concerned under subsection (a), a resource advisory committee shall include in the description of each proposed project the following information:

''(1) The purpose of the project and a description of how the project will meet the purposes of this title.

''(2) The anticipated duration of the project.

''(3) The anticipated cost of the project.

''(4) The proposed source of funding for the project, whether project funds or other funds.

''(5)(A) Expected outcomes, including how the project will meet or exceed desired ecological conditions, maintenance objectives, or stewardship objectives.

''(B) An estimate of the amount of any timber, forage, and other commodities and other economic activity, including jobs generated, if any, anticipated as part of the project.

''(6) A detailed monitoring plan, including funding needs and sources, that—

''(A) tracks and identifies the positive or negative impacts of the project, implementation, and provides for validation monitoring; and

''(B) includes an assessment of the following:

''(i) Whether or not the project met or exceeded desired ecological conditions; created local employment or training opportunities, including summer youth jobs programs such as the Youth Conservation Corps where appropriate.

''(ii) Whether the project improved the use of, or added value to, any products removed from land consistent with the purposes of this title.

''(7) An assessment that the project is to be in the public interest.

''(c) AUTHORIZED PROJECTS.—Projects proposed under subsection (a) shall be consistent with section 2.

"SEC. 204. EVALUATION AND APPROVAL OF PROJECTS BY SECRETARY CONCERNED.

''(a) CONDITIONS FOR APPROVAL OF PROPOSED PROJECT.—The Secretary concerned may make a decision to approve a project submitted by a resource advisory committee under section 203 only if the proposed project satisfies each of the following conditions:

''(1) The project complies with all applicable Federal laws (including regulations).

''(2) The project is consistent with the applicable resource management plan and with any watershed or subsequent plan developed pursuant to the resource management plan and approved by the Secretary concerned.

''(3) The project has been approved by the resource advisory committee in accordance with section 205, including the procedures issued under subsection (e) of that section.

''(4) A project description has been submitted by the resource advisory committee to the Secretary concerned in accordance with section 203.

''(5) The project will improve the maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, and restore and improve land health and water quality.

''(b) ENVIRONMENTAL REVIEWS.—

''(1) REQUEST FOR PAYMENT BY COUNTY.—The Secretary concerned may request the resource advisory committee submitting a proposed project to agree to the use of project funds to pay for any environmental review, consultation, or compliance with applicable environmental laws required in connection with the project.

''(2) CONDUCT OF ENVIRONMENTAL REVIEW.—If a payment is requested under paragraph (1) and the resource advisory committee

agrees to the expenditure of funds for this purpose, the Secretary concerned shall conduct environmental review, consultation, or other compliance responsibilities in accordance with Federal laws (including regulations).

''(3) EFFECT OF REFUSAL TO PAY.—

''(A) IN GENERAL.—If a resource advisory committee does not agree to the expenditure of funds under paragraph (1), the project shall be deemed withdrawn from further consideration by the Secretary concerned pursuant to this title.

''(B) EFFECT OF WITHDRAWAL.—A withdrawal under subparagraph (A) shall be deemed to be a rejection of the project for purposes of section 207(c).

''(c) DECISIONS OF SECRETARY CONCERNED.—

''(1) REJECTION OF PROJECTS.—

''(A) IN GENERAL.—A decision by the Secretary concerned to reject a proposed project shall be at the sole discretion of the Secretary concerned.

''(B) NO ADMINISTRATIVE APPEAL OR JUDICIAL REVIEW.—Notwithstanding any other provision of law, a decision by the Secretary concerned to reject a proposed project shall not be subject to administrative appeal or judicial review.

''(C) NOTICE OF REJECTION.—Not later than 30 days after the date on which the Secretary concerned makes the rejection decision, the Secretary concerned shall notify in writing the resource advisory committee that submitted the proposed project of the rejection and the reasons for rejection.

''(2) NOTICE OF PROJECT APPROVAL.—The Secretary concerned shall publish in the Federal Register notice of each project approved under subsection (a) if the notice would be required had the project originated with the Secretary.

''(d) SOURCE AND CONDUCT OF PROJECT.—Once the Secretary concerned accepts a project for review under section 203, the acceptance shall be deemed a Federal action for all purposes.

''(e) IMPLEMENTATION OF APPROVED PROJECTS.—

''(1) COOPERATION.—Notwithstanding chapter 63 of title 31, United States Code, using project funds the Secretary concerned may enter into contracts, grants, and cooperative agreements with States and local governments, private and nonprofit entities, and landowners and other persons to assist the Secretary in carrying out an approved project.

''(2) BEST VALUE CONTRACTING.—

''(A) IN GENERAL.—For any project involving a contract authorized by paragraph (1) the Secretary concerned may elect a source for performance of the contract on a best value basis.

''(B) FACTORS.—The Secretary concerned shall determine best value based on such factors as—

''(i) the technical demands and complexity of the work to be done;

''(ii)(I) the ecological objectives of the project; and

''(II) the sensitivity of the resources being treated;

''(iii) the past experience by the contractor with the type of work being done, using the type of equipment proposed for the project, and meeting or exceeding desired ecological conditions; and

''(iv) the commitment of the contractor to hiring highly qualified workers and local residents.

''(3) MERCHANTABLE TIMBER CONTRACTING PILOT PROGRAM.—

''(A) ESTABLISHMENT.—The Secretary concerned shall establish a pilot program to implement a certain percentage of approved projects involving the sale of merchantable timber using separate contracts for—

''(i) the harvesting or collection of merchantable timber; and

''(ii) the sale of the timber.

''(B) ANNUAL PERCENTAGES.—Under the pilot program, the Secretary concerned shall ensure that, on a nationwide basis, not less than the following percentage of all approved projects involving the sale of merchantable timber are implemented using separate contracts:

''(i) For fiscal year 2008, 35 percent.

''(ii) For fiscal year 2009, 45 percent.

''(iii) For each of fiscal years 2010 and 2011, 50 percent.

''(C) INCLUSION IN PILOT PROGRAM.—The decision whether to use separate contracts to implement a project involving the sale of merchantable timber shall be made by the Secretary concerned after the approval of the project under this title.

''(D) ASSISTANCE.—

''(i) IN GENERAL.—The Secretary concerned may use funds from any appropriated account available to the Secretary for the Federal land to assist in the administration of projects conducted under the pilot program.

''(ii) MAXIMUM AMOUNT OF ASSISTANCE.—The total amount obligated under this subparagraph may not exceed $1,000,000 for any fiscal year during which the pilot program is in effect.

''(E) REVIEW AND REPORT.—

''(i) INITIAL REPORT.—Not later than September 30, 2010, the Comptroller General shall submit to the Committees on Agriculture, Nutrition, and Forestry and Energy and Natural Resources of the Senate and the Committees on Agriculture and Natural Resources of the House of Representatives a report assessing the pilot program.

''(ii) ANNUAL REPORT.—The Secretary concerned shall submit to the Committees on Agriculture, Nutrition, and Forestry and Energy and Natural Resources of the Senate and the Committees on Agriculture and Natural Resources of the House of Representatives an annual report describing the results of the pilot program.

''(f) REQUIREMENTS FOR PROJECT FUNDS.—The Secretary shall ensure that at least 50 percent of all project funds be used for projects that are primarily dedicated—

''(1) to road maintenance, decommissioning, or obliteration; or

''(2) to restoration of streams and watersheds.

"SEC. 205. RESOURCE ADVISORY COMMITTEES.

''(a) ESTABLISHMENT AND PURPOSE OF RESOURCE ADVISORY COMMITTEES.—

''(1) ESTABLISHMENT.—The Secretary concerned shall establish and maintain resource advisory committees to perform the duties in subsection (b), except as provided in paragraph (4).

''(2) PURPOSE.—The purpose of a resource advisory committee shall be—

''(A) to improve collaborative relationships; and

''(B) to provide advice and recommendations to the land management agencies consistent with the purposes of this title.

''(3) ACCESS TO RESOURCE ADVISORY COMMITTEES.—To ensure that each unit of Federal land has access to a resource advisory committee, and that there is sufficient interest in participation on a committee to ensure that membership can be balanced in terms of the points of view represented and the functions to be performed, the Secretary concerned may, establish resource advisory committees for part of, or 1 or more, units of Federal land.

''(4) EXISTING ADVISORY COMMITTEES.—

''(A) IN GENERAL.—An advisory committee that meets the requirements of this section, a resource advisory committee established before September 29, 2006, or an advisory committee determined by the Secretary concerned before September 29, 2006, to meet the requirements of this section may be deemed by the Secretary concerned to be a resource advisory committee for the purposes of this title.

''(B) CHARTER—A charter for a committee described in subparagraph (A) that was filed on or before September 29, 2006, shall be considered to be filed for purposes of this Act.

''(C) Bureau of land management advisory committees.—The Secretary of the Interior may deem a resource advisory committee meeting the requirements of subpart 1784 of part 1780 of title 43, Code of Federal Regulations, as a resource advisory committee for the purposes of this title.

''(b) DUTIES.—A resource advisory committee shall—

''(1) review projects proposed under this title by participating counties and other persons;

''(2) propose projects and funding to the Secretary concerned under section 203;

''(3) provide early and continuous coordination with appropriate land management agency officials in recommending projects consistent with purposes of this Act under this title;

''(4) provide frequent opportunities for citizens, organizations, tribes, land management agencies, and other interested parties to participate openly and meaningfully, beginning at the early stages of the project development process under this title;

''(5)(A) monitor projects that have been approved under section 204; and

''(B) advise the designated Federal official on the progress of the monitoring efforts under subparagraph (A); and

''(6) make recommendations to the Secretary concerned for any appropriate changes or adjustments to the projects being monitored by the resource advisory committee.

''(c) APPOINTMENT BY THE SECRETARY.—

''(1) APPOINTMENT AND TERM.—

''(A) IN GENERAL.—The Secretary concerned, shall appoint the members of resource advisory committees for a term of 4 years beginning on the date of appointment.

''(B) REAPPOINTMENT.—The Secretary concerned may reappoint members to subsequent 4-year terms.

''(2) BASIC REQUIREMENTS.—The Secretary concerned shall ensure that each resource advisory committee established meets the requirements of subsection (d).

''(3) INITIAL APPOINTMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary concerned shall make initial appointments to the resource advisory committees.

''(4) VACANCIES.—The Secretary concerned shall make appointments to fill vacancies on any resource advisory committee as soon as practicable after the vacancy has occurred.

''(5) COMPENSATION.—Members of the resource advisory committees shall not receive any compensation.

''(d) COMPOSITION OF ADVISORY COMMITTEE.—

''(1) NUMBER.—Each resource advisory committee shall be comprised of 15 members.

''(2) COMMUNITY INTERESTS REPRESENTED.—Committee members shall be representative of the interests of the following 3 categories:

''(A) 5 persons that—

''(i) represent organized labor or non-timber forest product harvester groups;

''(ii) represent developed outdoor recreation, off highway vehicle users, or commercial recreation activities;

''(iii) represent—

''(I) energy and mineral development interests; or

''(II) commercial or recreational fishing interests;

''(iv) represent the commercial timber industry; or

''(v) hold Federal grazing or other land use permits, or represent nonindustrial private forest land owners, within the area for which the committee is organized.

''(B) 5 persons that represent—

''(i) nationally recognized environmental organizations;

''(ii) regionally or locally recognized environmental organizations;

''(iii) dispersed recreational activities;

''(iv) archaeological and historical interests; or

''(v) nationally or regionally recognized wild horse and burro interest groups, wildlife or hunting organizations, or watershed associations.

''(C) 5 persons that—

''(i) hold State elected office (or a designee);

''(ii) hold county or local elected office;

''(iii) represent American Indian tribes within or adjacent to the area for which the committee is organized;

''(iv) are school officials or teachers; or

''(v) represent the affected public at large.

''(3) BALANCED REPRESENTATION.—In appointing committee members from the 3 categories in paragraph (2), the Secretary concerned shall provide for balanced and broad representation from within each category.

''(4) GEOGRAPHIC DISTRIBUTION.—The members of a resource advisory committee shall reside within the State in which the committee has jurisdiction and, to extent practicable, the Secretary concerned shall ensure local representation in each category in paragraph (2).

''(5) CHAIRPERSON.—A majority on each resource advisory committee shall select the chairperson of the committee.

''(e) APPROVAL PROCEDURES.—

(1) IN GENERAL.—Subject to paragraph (3), each resource advisory committee shall establish procedures for proposing projects to the Secretary concerned under this title.

''(2) QUORUM.—A quorum must be present to constitute an official meeting of the committee.

''(3) APPROVAL BY MAJORITY OF MEMBERS.—A project may be proposed by a resource advisory committee to the Secretary concerned under section 203(a), if the project has been approved by a majority of members of the committee from each of the 3 categories in subsection (d)(2).

''(f) OTHER COMMITTEE AUTHORITIES AND REQUIREMENTS.—

''(1) STAFF ASSISTANCE.—A resource advisory committee may submit to the Secretary concerned a request for periodic staff assistance from Federal employees under the jurisdiction of the Secretary.

''(2) MEETINGS.—All meetings of a resource advisory committee shall be announced at least 1 week in advance in a local newspaper of record and shall be open to the public.

''(3) RECORDS.—A resource advisory committee shall maintain records of the meetings of the committee and make the records available for public inspection.

''SEC. 206. USE OF PROJECT FUNDS.

''(a) AGREEMENT REGARDING SCHEDULE AND COST OF PROJECT.—

''(1) AGREEMENT BETWEEN PARTIES.—The Secretary concerned may carry out a project submitted by a resource advisory committee under section 203(a) using project funds or other funds described in section 203(a)(2), if, as soon as practicable after the issuance of a decision document for the project and the exhaustion of all administrative appeals and judicial review of the project decision, the Secretary concerned and the resource advisory committee enter into an agreement addressing, at a minimum, the following:

''(A) The schedule for completing the project.

''(B) The total cost of the project, including the level of agency overhead to be assessed against the project.

''(C) For a multiyear project, the estimated cost of the project for each of the fiscal years in which it will be carried out.

''(D) The remedies for failure of the Secretary concerned to comply with the terms of the agreement consistent with current Federal law.

''(2) LIMITED USE OF FEDERAL FUNDS.—The Secretary concerned may decide, at the sole discretion of the Secretary concerned, to cover the costs of a portion of an approved project using Federal funds appropriated or otherwise available to the Secretary for the same purposes as the project.

''(b) TRANSFER OF PROJECT FUNDS.—

''(1) INITIAL TRANSFER REQUIRED.—As soon as practicable after the agreement is reached under subsection (a) with regard to a project to be funded in whole or in part using project funds, or other funds described in section 203(a)(2), the Secretary concerned shall transfer to the applicable unit of National Forest System land or Bureau of Land Management District an amount of project funds equal to—

''(A) in the case of a project to be completed in a single fiscal year, the total amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2); or

''(B) in the case of a multiyear project, the amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2) for the first fiscal year.

''(2) CONDITION ON PROJECT COMMENCEMENT.—The unit of National Forest System land or Bureau of Land Management District concerned, shall not commence a project until the project funds, or other funds described in section 203(a)(2) required to be transferred under paragraph (1) for the project, have been made available by the Secretary concerned.

''(3) SUBSEQUENT TRANSFERS FOR MULTIYEAR PROJECTS.—

''(A) IN GENERAL.—For the second and subsequent fiscal years of a multiyear project to be funded in whole or in part using project funds, the unit of National Forest System land or Bureau of Land Management District concerned shall use the amount of project funds required to continue the project in that fiscal year according to the agreement entered into under subsection (a).

''(B) SUSPENSION OF WORK.—The Secretary concerned shall suspend work on the project if the project funds required by the agreement in the second and subsequent fiscal years are not available.

''SEC. 207. AVAILABILITY OF PROJECT FUNDS.

''(a) SUBMISSION OF PROPOSED PROJECTS TO OBLIGATE FUNDS.—By September 30, 2008 (or as soon thereafter as the Secretary concerned determines is practicable), and each September 30 thereafter for each succeeding fiscal year through fiscal year 2011, a resource advisory committee shall submit to the Secretary concerned pursuant to section 203(a)(1) a sufficient number of project proposals that, if approved, would result in the obligation of at least the full amount of the project funds reserved by the participating county in the preceding fiscal year.

''(b) USE OR TRANSFER OF UNOBLIGATED FUNDS.—Subject to section 208, if a resource advisory committee fails to comply with subsection (a) for a fiscal year, any project funds reserved by the participating county in the preceding fiscal year and remaining unobligated shall be available for use as part of the project submissions in the next fiscal year.

''(c) EFFECT OF REJECTION OF PROJECTS.—Subject to section 208, any project funds reserved by a participating county in the preceding fiscal year that are unobligated at the end of a fiscal year because the Secretary concerned has rejected one or more proposed projects shall be available for use as part of the project submissions in the next fiscal year.

''(d) EFFECT OF COURT ORDERS.—

''(1) IN GENERAL.—If an approved project under this Act is enjoined or prohibited by a Federal court, the Secretary concerned shall return the unobligated project funds related to the project to the participating county or counties that reserved the funds.

''(2) EXPENDITURE OF FUNDS.—The returned funds shall be available for the county to expend in the same manner as the funds reserved by the county under subparagraph (B) or (C)(i) of section 102(d)(1).

''SEC. 208. TERMINATION OF AUTHORITY.

''(a) IN GENERAL.—The authority to initiate projects under this title shall terminate on September 30, 2011.

''(b) DEPOSITS IN TREASURY.—Any project funds not obligated by September 30, 2012, shall be deposited in the Treasury of the United States.

''TITLE III—COUNTY FUNDS

''SEC. 301. DEFINITIONS.

''In this title:

''(1) COUNTY FUNDS.—The term 'county funds' means all funds an eligible county elects under section 102(d) to reserve for expenditure in accordance with this title.

''(2) PARTICIPATING COUNTY.—The term 'participating county' means an eligible county that elects under section 102(d) to expend a portion of the Federal funds received under section 102 in accordance with this title.

''SEC. 302. USE.

''(a) AUTHORIZED USES.—A participating county, including any applicable agencies of the participating county, shall use county funds, in accordance with this title, only—

''(1) to carry out activities under the Firewise Communities program to provide to homeowners in fire-sensitive ecosystems education on, and assistance with implementing, techniques in home siting, home construction, and home landscaping that can increase the protection of people and property from wildfires;

''(2) to reimburse the participating county for search and rescue and other emergency services, including firefighting, that are—

''(A) performed on Federal land after the date on which the use was approved under subsection (b);

''(B) paid for by the participating county; and

''(3) to develop community wildfire protection plans in coordination with the appropriate Secretary concerned.

''(b) PROPOSALS.—A participating county shall use county funds for a use described in subsection (a) only after a 45–day public comment period, at the beginning of which the participating county shall—

''(1) publish in any publications of local record a proposal that describes the proposed use of the county funds; and

''(2) submit the proposal to any resource advisory committee established under section 205 for the participating county.

''SEC. 303. CERTIFICATION.

''(a) IN GENERAL.—Not later than February 1 of the year after the year in which any county funds were expended by a participating county, the appropriate official of the participating county shall submit to the Secretary concerned a certification that the county funds expended in the applicable year have been used for the uses authorized under

section 302(a), including a description of the amounts expended and the uses for which the amounts were expended.

''(b) REVIEW.—The Secretary concerned shall review the certifications submitted under subsection (a) as the Secretary concerned determines to be appropriate.

''SEC. 304. TERMINATION OF AUTHORITY.

''(a) IN GENERAL.—The authority to initiate projects under this title terminates on September 30, 2011.

''(b) AVAILABILITY.—Any county funds not obligated by September 30, 2012, shall be returned to the Treasury of the United States.

''TITLE IV—MISCELLANEOUS PROVISIONS

''SEC. 401. REGULATIONS.

''The Secretary of Agriculture and the Secretary of the Interior shall issue regulations to carry out the purposes of this Act.

''SEC. 402. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as are necessary to carry out this Act for each of fiscal years 2008 through 2011.

''SEC. 403. TREATMENT OF FUNDS AND REVENUES.

''(a) RELATION TO OTHER APPROPRIATIONS.—Funds made available under section 402 and funds made available to a Secretary concerned under section 206 shall be in addition to any other annual appropriations for the Forest Service and the Bureau of Land Management.

''(b) DEPOSIT OF REVENUES AND OTHER FUNDS.—All revenues generated from projects pursuant to title II, including any interest accrued from the revenues, shall be deposited in the Treasury of the United States.''.

(b) FOREST RECEIPT PAYMENTS TO ELIGIBLE STATES AND COUNTIES.—

(1) Act of May 23, 1908.—The sixth paragraph under the heading ''FOREST SERVICE'' in the Act of May 23, 1908 (16 U.S.C. 500) is amended in the first sentence by striking ''twenty-five percentum'' and all that follows through ''shall be paid'' and inserting the following: ''an amount equal to the annual average of 25 percent of all amounts received for the applicable fiscal year and each of the preceding 6 fiscal years from each national forest shall be paid''.

(2) Weeks Law.—Section 13 of the Act of March 1, 1911 (commonly known as the ''Weeks Law'') (16 U.S.C. 500) is amended in the first sentence by striking ''twenty-five percentum'' and all that follows through ''shall be paid'' and inserting the following: ''an amount equal to the annual average of 25 percent of all amounts received for the applicable fiscal year and each of the preceding 6 fiscal years from each national forest shall be paid''.

(c) PAYMENTS IN LIEU OF TAXES.—

(1) IN GENERAL.—Section 6906 of title 31, United States Code, is amended to read as follows:''6906. Funding

''For each of fiscal years 2008 through 2012—

''(1) each county or other eligible unit of local government shall be entitled to payment under this chapter; and

''(2) sums shall be made available to the Secretary of the Interior for obligation or expenditure in accordance with this chapter.''.

(2) CONFORMING AMENDMENT.—The table of sections for chapter 69 of title 31, United States Code, is amended by striking the item relating to section 6906 and inserting the following:

''6906. Funding.''.

(3) BUDGET SCOREKEEPING.—

(A) IN GENERAL.—Notwithstanding the Budget Scorekeeping Guidelines and the accompanying list of programs and accounts set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105217, the section in this title regarding Payments in Lieu of Taxes shall be treated in the baseline for purposes of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002), and by the Chairmen of the House and Senate Budget Committees, as appropriate, for purposes of budget enforcement in the House and Senate, and under the Congressional Budget Act of 1974 as if Payment in Lieu of Taxes (14–1114–0–1–806) were an account designated as Appropriated Entitlements and Mandatories for Fiscal Year 1997 in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217.

(B) EFFECTIVE DATE.—This paragraph shall remain in effect for the— fiscal years to which the entitlement in section 6906 of title 31, United States Code (as amended by paragraph (1)), applies.

Mr. ARCURI. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of the resolution, if ordered, and a motion to suspend the rules with regard to House Concurrent Resolution 255.

The vote was taken by electronic device.

The previous question was ordered. A subsequent voice vote was taken on adoption of the resolution, and a recorded vote was ordered thereon.

Mr. HOYER. Mr. Speaker, is it in order for me to ask unanimous consent that that vote be vacated?

The SPEAKER pro tempore. The gentleman may make such a request.

Mr. HOYER. I ask unanimous consent that the vote that we just took be vacated.

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

Mr. SESSIONS. Mr. Speaker, I reserve the right to object.

Under my reservation, I yield to the gentleman from Maryland.

Mr. HOYER. I thank the gentleman for yielding.

There was a mistake made in the notice that was given to the minority. That was not anybody's intention; it was a mistake. We want to give another opportunity to consider the rule with the minority having the proper information in front of them when we do so.

I have discussed this with the minority, and I think this is the appropriate procedure for us to fairly follow. And I've discussed it with your leadership.

Mr. SESSIONS. I would like to yield to the ranking member of the Rules Committee, Mr. DREIER.

Mr. DREIER. I thank the gentleman for yielding.

Mr. Speaker, I would simply like to inquire of the distinguished majority leader if he might enlighten us as to exactly what that problem is with which the Rules Committee is going to have to contend.

Mr. HOYER. I think it was discussed. There was a figure that was incorrectly given in the bill that you had in your possession that was different from the bill that was on the desk.

Mr. DREIER. If the gentleman would continue to yield.

It's my understanding that there were a couple of items that were put in in handwriting from the Ways and Means Committee that were not reflected in what went forward to the Rules Committee. And I thank my friend for yielding.

Mr. HOYER. Would the gentleman yield?

Mr. SESSIONS. I would yield.

Mr. HOYER. I thank the gentleman for yielding.

Frankly, I have not seen it, and I don't know. What I do know is that Mr. ARCURI informed me, and obviously has asked us—Mr. ARCURI feels very badly that a different version than was at the desk was given to the minority inadvertently; and as a result, the minority did not have the document in front of it. It was at the desk, but nobody's gone up to the desk to compare the items. And as a result, we think, in fairness, we ought to have that document in front of you.

Mr. DREIER. Would the gentleman yield?

Mr. SESSIONS. I would continue to yield to the gentleman.

Mr. DREIER. I thank my friend for yielding.

It's my understanding that there also was a disparity between the bill that was included on the Web site as well as the bill that was submitted to the Rules Committee. So it sounds to me as if there is quite a bit of confusion around this. And I hope very much that this will be an issue that can be addressed.

And I would say, if my friend would continue to yield, that to me this really underscores—and I know that we're in what we hope will be the last week of this session of this Congress—that moving rapidly like this does create the potential for problems. And so it seems to me that there may be a little more to this than appears right now, as I just heard that the Web site had something that was reported differently.

I thank my friend for yielding.

Mr. HOYER. Would the gentleman yield?

Mr. SESSIONS. I would yield to the gentleman.

Mr. HOYER. I thank the gentleman for yielding.

Now, frankly, I don't want to get into moving rapidly. The administration, of

course, came here Thursday and wanted us to pass $700 billion, and they want us to pass this very soon. So ''rapidly'' sometimes is in the eye of the beholder.

The point is, you're correct; there was a discrepancy. We think that was not fair. It was not intentional. But Mr. ARCURI, who gave the information to the minority and the information that was on the Web site, was not correct. We think, under those circumstances, in fairness to all, that we ought to redo this, and that's what we intend to do. And we discussed it with your leadership and we all agreed that that was the right thing to do.

Mr. SESSIONS. Continuing my reservation, I would say to the gentleman that we're not in any hurry over here in doing it right. The Republican Party is not in a rush, and we would wish for us to do very deliberately that which needs to be done.

Mr. HASTINGS of Washington. Would the gentleman yield?

Mr. SESSIONS. I would yield to the gentleman from Washington.

Mr. HASTINGS of Washington. I appreciate the gentleman yielding.

Mr. Speaker, this is really very, very important because we are at the last days of this session and we know there is a rush to try to get things done. And I understand that it was a bookkeeping—it wasn't intentional. I understand all of that, we've been through this before. But the significance of this, and it needs to be understood by this body as we are being asked in the future to make some big decisions, the difference in this little error was $100 million. It wasn't small potatoes, so to speak. And I just want to say that the right thing to do—and I hope this is what's going to happen—is that the Rules Committee goes back upstairs and reports it out correctly so we can have the text. But I think that point needs to be made. And I appreciate the gentleman for yielding.

Mr. HOYER. Would the gentleman yield?

Mr. SESSIONS. I would yield to the gentleman.

Mr. HOYER. I told the gentleman from Washington that's exactly what I'm trying to do, which is why I thought it best to obviate the vote so we can do exactly what you've suggested. I've discussed it with your leadership and they've agreed. I hope we can do that, and I hope there's not an objection.

Mr. SESSIONS. Mr. Speaker, I withdraw my reservation.

The SPEAKER pro tempore. Without objection, the vote on adoption of the resolution is vacated.

There was no objection.

Mr. HOYER. Mr. Speaker, I ask unanimous consent that both the vote on the adoption of the rule and the vote on the previous question be vacated.

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

There was no objection.

Mr. ARCURI. Mr. Speaker, under the rules, I withdraw House Resolution 1501.

The SPEAKER pro tempore. The resolution is withdrawn.

□ 1545

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

There was no objection.

UNITED STATES COMMITMENT TO PRESERVATION OF RELIGIOUS AND CULTURAL SITES

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 255, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. CROWLEY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 255, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 414, nays 1, not voting 18, as follows:

[Roll No. 641]

YEAS—414

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
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
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
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
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hulshof
Hunter
Inglis (SC)
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (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
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
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
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Westmoreland
Wexler
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—18

Bachus	Everett	Napolitano
Boehner	Frank (MA)	Shuler
Conyers	Hastings (FL)	Souder
Cramer	Hoyer	Udall (CO)
Cubin	Israel	Weldon (FL)
Davis, David	Miller (FL)	Whitfield (KY)

□ 1604

Mrs. BACHMANN changed her vote from ''nay'' to ''yea.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BACHUS. Madam Speaker, on September 25, 2008, I missed rollcall vote 641 while attending a meeting at the White House to discuss the Nation's financial crisis. Had I been present, I would have voted "yea" on rollcall 641.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later today.

BREAST CANCER AND ENVIRONMENTAL RESEARCH ACT OF 2008

Mr. PALLONE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1157) to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1157

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 ''Breast Cancer and Environmental Research Act of 2008''.

SEC. 2. EXPANDING COLLABORATIVE RESEARCH ON BREAST CANCER AND THE ENVIRONMENT.

(a) IN GENERAL.—Subpart 1 of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following:

''SEC. 417F. INTERAGENCY BREAST CANCER AND ENVIRONMENTAL RESEARCH COORDINATING COMMITTEE.

''(a) INTERAGENCY BREAST CANCER AND ENVIRONMENTAL RESEARCH COORDINATING COMMITTEE.—

''(1) ESTABLISHMENT.—Not later than 6 months after the date of the enactment of this section, the Secretary shall establish a committee, to be known as the Interagency Breast Cancer and Environmental Research Coordinating Committee (in this section referred to as the 'Committee').

''(2) DUTIES.—The Committee shall—

''(A) share and coordinate information on existing research activities, and make recommendations to the National Institutes of Health and other Federal agencies regarding how to improve existing research programs, that are related to breast cancer research;

''(B) develop a comprehensive strategy and advise the National Institutes of Health and other Federal agencies in the solicitation of proposals for collaborative, multidisciplinary research, including proposals to evaluate environmental and genomic factors that may be related to the etiology of breast cancer that would—

''(i) result in innovative approaches to study emerging scientific opportunities or eliminate knowledge gaps in research to improve the research portfolio;

''(ii) outline key research questions, methodologies, and knowledge gaps;

''(iii) expand the number of research proposals that involve collaboration between 2 or more national research institutes or national centers, including proposals for Common Fund research described in section 402(b)(7) to improve the research portfolio; and

''(iv) expand the number of collaborative, multidisciplinary, and multi-institutional research grants;

''(C) develop a summary of advances in breast cancer research supported or conducted by Federal agencies relevant to the diagnosis, prevention, and treatment of cancer and other diseases and disorders; and

''(D) not later than 2 years after the date of the establishment of the Committee, make recommendations to the Secretary—

''(i) regarding any appropriate changes to research activities, including recommendations to improve the research portfolio of the National Institutes of Health to ensure that scientifically-based strategic planning is implemented in support of research priorities that impact breast cancer research activities;

''(ii) to ensure that the activities of the National Institutes of Health and other Federal agencies, including the Department of Defense, are free of unnecessary duplication of effort;

''(iii) regarding public participation in decisions relating to breast cancer research to increase the involvement of patient advocacy and community organizations representing a broad geographical area;

''(iv) on how best to disseminate information on breast cancer research progress; and

''(v) on how to expand partnerships between public entities, including Federal agencies, and private entities to expand collaborative, cross-cutting research.

''(3) RULE OF CONSTRUCTION.—For the purposes of the Committee, when focusing on research to evaluate environmental and genomic factors that may be related to the etiology of breast cancer, nothing in this section shall be construed to restrict the Secretary from including other forms of cancer, as appropriate, when doing so may advance research in breast cancer or advance research in other forms of cancer.

''(4) MEMBERSHIP.—

''(A) IN GENERAL.—The Committee shall be composed of the following voting members:

''(i) Not more than 7 voting Federal representatives as follows:

''(I) The Director of the Centers for Disease Control and Prevention.

''(II) The Director of the National Institutes of Health and the directors of such national research institutes and national centers (which may include the National Institute of Environmental Health Sciences) as the Secretary determines appropriate.

''(III) One representative from the National Cancer Institute Board of Scientific Advisors, appointed by the Director of the National Cancer Institute.

''(IV) The heads of such other agencies of the Department of Health and Human Services as the Secretary determines appropriate.

''(V) Representatives of other Federal agencies that conduct or support cancer research, including the Department of Defense.

''(ii) 12 additional voting members appointed under subparagraph (B).

''(B) ADDITIONAL MEMBERS.—The Committee shall include additional voting members appointed by the Secretary as follows:

''(i) 6 members shall be appointed from among scientists, physicians, and other health professionals, who—

''(I) are not officers or employees of the United States;

''(II) represent multiple disciplines, including clinical, basic, and public health sciences;

''(III) represent different geographical regions of the United States;

''(IV) are from practice settings, academia, or other research settings; and

''(V) are experienced in scientific peer review process.

''(ii) 6 members shall be appointed from members of the general public, who represent individuals with breast cancer.

''(C) NONVOTING MEMBERS.—The Committee shall include such nonvoting members as the Secretary determines to be appropriate.

''(5) CHAIRPERSON.—The voting members of the Committee shall select a chairperson from among such members. The selection of a chairperson shall be subject to the approval of the Director of NIH.

''(6) MEETINGS.—The Committee shall meet at the call of the chairperson of the Committee or upon the request of the Director of NIH, but in no case less often than once each year.

''(b) REVIEW.—The Secretary shall review the necessity of the Committee in calendar year 2011 and, thereafter, at least once every 2 years.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out research activities under title IV of the Public Health Service Act, including section 417F of such Act as added by subsection (a), there are authorized to be appropriated $40,000,000 for each of fiscal years 2009 through 2012. Amounts authorized to be appropriated under the preceding sentence shall be in addition to amounts otherwise authorized to be appropriated for such purpose under section 402A of the Public Health Service Act (42 U.S.C. 282a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Georgia (Mr. DEAL) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

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

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

There was no objection.

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

Madam Speaker, I rise in strong support of H.R. 1157, the Breast Cancer and Environmental Research Act, legislation introduced by Representatives NITA LOWEY and SUE MYRICK.

According to the Centers for Disease Control and Prevention, the CDC, breast cancer is the second most common form of cancer in women. Each

year in America, approximately 182,000 women are diagnosed of breast cancer, of which nearly 41,000 lose their lives.

While improved access to screening and treatment services have helped reduced breast cancer death rates over the past couple of decades, significant challenges still remain. For example, we are still unsure about what causes breast cancer or how to prevent it. While there have been a number of studies that have looked at various risk factors, we have not been able to draw any solid conclusions about what specifically causes breast cancer or what are the linkages between breast cancer and environmental factors.

This legislation would help address, help facilitate and help coordinate research efforts on the links between breast cancer and environmental factors in the hopes that one day we might find a cure.

Let me acknowledge the work of my colleagues, Mrs. LOWEY and Mrs. MYRICK, who have been tireless advocates on behalf of this legislation. They have been working nonstop over the past several months to develop the compromise legislation before us today.

I would also like to commend the chairman of our committee, the Energy and Commerce Committee, Mr. DINGELL, as well as his staff, for their hard work on this legislation. In particular I would like to acknowledge the hard work of Jessica McNiece, a member of the professional staff on the Energy and Commerce Committee, for her efforts to move this bill forward.

I reserve the balance of my time.

Mr. DEAL of Georgia. Madam Speaker, I too rise in support of this legislation and would like to yield such time as she may consume to one of the original sponsors of this legislation, the gentlewoman from North Carolina (Mrs. MYRICK).

Mrs. MYRICK. Thank you, Mr. DEAL, for yielding.

I am very pleased to speak on behalf of this bill and excited that it has come this far, because it is going to further progress breast cancer research as it relates to the environmental factors.

NITA LOWEY has worked on this for I think 10 years. I have been at it for at least 7 years. I don't know how long it has been, NITA, but it has been a long, long time. We are both happy to be at this point, because I think it will breathe new life into the effort of what we are doing at the NIH for the potential triggers of breast cancer.

Lots of thought has gone into this, a tremendous amount of work on both sides of the aisle. I want to commend Mrs. LOWEY for all of her work, Chairman DINGELL and Chairman BARTON, and all the staff members who made this compromise possible, because this has been a long time coming. We are just grateful we are at this point today.

Mr. PALLONE. Madam Speaker, I yield 2 minutes to the sponsor of the bill, the gentlewoman from New York (Mrs. LOWEY), who, as everyone has said, has worked so hard and tirelessly on behalf of this legislation.

Mrs. LOWEY. Madam Speaker, I rise in support of H.R. 1157, the Breast Cancer and Environmental Research Act. The bill is the product of bipartisan, bicameral negotiations, and in my judgment truly represents a fair compromise that will lead to meaningful changes in how breast cancer research is conducted throughout the Federal Government.

The bill passed by voice vote in the Energy and Commerce Committee. It will improve the caliber of breast cancer research, improve transparency for breast cancer research dollars and vastly increase the role of advocates in determining research priorities.

I would like to thank a few key individuals who have been an integral part of advancing this legislation. First of all, my partner on this bill, Congresswoman SUE MYRICK. She has done a yeoman job, and we have worked together for a very, very long time. Congratulations. Of course, her staff, Sarah Hale; the Senate sponsor of this bill, Majority Leader HARRY REID and his staff, Carolyn Gluck; Ranking Member BARTON and his staff, Ryan Long; Minority Whip ROY BLUNT and his staff, Cheryl Jaeger; Health Subcommittee Chairman, my good friend Congressman PALLONE, we came to the Congress together, and his staff, Bobby Clark; and, of course, Chairman DINGELL and his staff, in particular Jessica McNiece and Greg Rothschild, who have spent countless hours on this bill. Without their commitment to advancing a bipartisan product, frankly, we wouldn't be here today.

The bill is a really good one, and I urge my colleagues to support it.

Mr. DEAL of Georgia. Madam Speaker, I think one of the better things that is contained in this legislation is that it does create an interagency coordinating committee to coordinate the activities on breast cancer research that are being conducted by the Department of Health and Human Services, the Defense Department and other agencies that are actively engaged in cancer research. By removing the barriers which restrict cross-institutional information sharing, we will be able to bring America's best scientists together to collaborate and work together in pursuit of a cure.

The bill also increases the overall authorization of the NIH by $40 million to further aid their mission in this research.

I think it is a good step in the right direction, and I am glad to see the House taking the legislation up today.

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

Mr. PALLONE. Madam Speaker, I have no further requests for time. I would ask that we all support this very important legislation. I know that it constantly comes up in my State about possible links between breast cancer and various cancers and environmental risk, so I know how important this is. I ask that everyone support it.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 1157, 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.

FIRST LIEUTENANT NOAH HARRIS ELLIJAY POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 6847.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TOWNS) that the House suspend the rules and pass the bill, H.R. 6847.

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.

STEPHANIE TUBBS JONES ORGAN TRANSPLANT AUTHORIZATION ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 6469, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 6469, 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.

□ 1615

METH FREE FAMILIES AND COMMUNITIES ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 6901.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 6901.

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.

TOM LANTOS PULMONARY HYPERTENSION RESEARCH AND EDUCATION ACT OF 2008

Mr. PALLONE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6568) to direct the Secretary of Health and Human Services to encourage research and carry out an educational campaign with respect to pulmonary hypertension, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6568

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 ''Tom Lantos Pulmonary Hypertension Research and Education Act of 2008''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
TITLE I—RESEARCH ON PULMONARY HYPERTENSION
Sec. 101. Expansion and intensification of activities.
TITLE II—INCREASING AWARENESS OF PULMONARY HYPERTENSION
Sec. 201. Promoting public awareness.
Sec. 202. Promoting awareness among health care professionals.

TITLE I—RESEARCH ON PULMONARY HYPERTENSION

SEC. 101. EXPANSION AND INTENSIFICATION OF ACTIVITIES.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the Secretary of Health and Human Services (in this Act referred to as the ''Secretary''), acting through the Director of the National Institutes of Health and the Director of the National Heart, Lung, and Blood Institute (in this title referred to as the ''Institute''), should continue aggressive work on pulmonary hypertension;

(2) as part of such work, the Director of the Institute should continue research to expand the understanding of the causes of, and to find a cure for, pulmonary hypertension; and

(3) activities under paragraph (1) may include conducting and supporting—

(A) basic research concerning the etiology and causes of pulmonary hypertension;

(B) basic research on the relationship between scleroderma, sickle cell anemia (and other conditions identified by the Director of the Institute that can lead to a secondary diagnosis of pulmonary hypertension), and pulmonary hypertension;

(C) clinical research for the development and evaluation of new treatments for pulmonary hypertension, including the establishment of a ''Pulmonary Hypertension Clinical Research Network'';

(D) support for the training of new clinicians and investigators with expertise in the pulmonary hypertension; and

(E) information and education programs for the general public.

(b) BIENNIAL REPORTS.—As part of the biennial report made under section 403 of the Public Health Service Act (42 U.S.C. 283), the Secretary shall include information on the status of pulmonary hypertension research at the National Institutes of Health.

TITLE II—INCREASING AWARENESS OF PULMONARY HYPERTENSION

SEC. 201. PROMOTING PUBLIC AWARENESS.

(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall carry out an educational campaign to increase public awareness of pulmonary hypertension. Print, video, and Web-based materials distributed under this program may include—

(1) basic information on pulmonary hypertension and its symptoms; and

(2) information on—

(A) the incidence and prevalence of pulmonary hypertension;

(B) diseases and conditions that can lead to pulmonary hypertension as a secondary diagnosis;

(C) the importance of early diagnosis; and

(D) the availability, as medically appropriate, of a range of treatment options and pulmonary hypertension.

(b) DISSEMINATION OF INFORMATION.—The Secretary is encouraged to disseminate information under subsection (a) through a cooperative agreement with a national nonprofit entity with expertise in pulmonary hypertension.

(c) REPORT TO CONGRESS.—Not later than September 30, 2009, the Secretary shall report to the Committee on Energy and Commerce of the House of Representatives, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Appropriations of the House of Representatives and the Senate on the status of activities under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $2,500,000 for each of fiscal years 2009, 2010, and 2011.

SEC. 202. PROMOTING AWARENESS AMONG HEALTH CARE PROFESSIONALS.

(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration and the Director of the Centers for Disease Control and Prevention, shall carry out an educational campaign to increase awareness of pulmonary hypertension among health care providers. Print, video, and Web-based materials distributed under this program may include information on—

(1) the symptoms of pulmonary hypertension;

(2) the importance of early diagnosis;

(3) current diagnostic criteria; and

(4) Food and Drug Administration-approved therapies for the disease.

(b) TARGETED HEALTH CARE PROVIDERS.—Health care providers targeted through the campaign under subsection (a) shall include, but not be limited to, cardiologists, pulmonologists, rheumatologists, primary care physicians, pediatricians, and nurse practitioners

(c) DISSEMINATION OF INFORMATION.—The Secretary is encouraged to disseminate information under subsection (a) through a cooperative agreement with a national nonprofit entity with expertise in pulmonary hypertension.

(d) REPORT TO CONGRESS.—Not later than September 30, 2009, the Secretary shall report to the Committee on Energy and Commerce of the House of Representatives, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Appropriations of the House of Representatives and the Senate on the status of activities under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $2,500,000 for each of fiscal years 2009, 2010, and 2011.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Georgia (Mr. DEAL) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Madam Speaker, I ask unanimous consent that all Members 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 New Jersey?

There was no objection.

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

Madam Speaker, I rise in strong support of H.R. 6568, the Tom Lantos Pulmonary Hypertension Research and Education Act of 2008, as introduced by representative KEVIN BRADY and my good friend and the Health Subcommittee's vice chair, LOIS CAPPS.

Pulmonary hypertension is a rare lung disorder in which the blood pressure in the pulmonary artery rises far above normal levels, usually with no apparent reason. Symptoms include chronic fatigue, shortness of breath, chest pains, palpitations, and fainting. According to the Centers for Disease Control and Prevention, in 2002 there were 15,668 deaths and 260,000 hospital visits among persons with pulmonary hypertension.

The number of hospitalizations related to pulmonary hypertension has been increasing in recent years, especially among women. This measure would help improve current research efforts on pulmonary hypertension, as well as increased public awareness.

I want to thank my colleagues, Mr. BRADY and Mrs. CAPPS for their work on this legislation.

I also want to recognize my colleague, Mr. Lantos, who passed away earlier this year. Passage of today's bill is a fitting tribute to Representative Lantos and his work in raising awareness about pulmonary hypertension and thousands of patients who suffer from it.

I urge my colleagues on both sides of the aisle to offer their support for this very important bill, and I reserve the balance of my time.

Mr. DEAL of Georgia. Madam Speaker, I too rise in support of this legislation and want to commend the work of Mrs. CAPPS and also Mr. KEVIN BRADY.

I would, at this time, yield to Mr. BRADY as much time as he might consume in support of this legislation, of which he was one of the original sponsors.

Mr. BRADY of Texas. Let me first thank Mr. DEAL for his remarkable leadership in shepherding this bill to the floor. Without him championing it through the Energy and Commerce Committee along with Mrs. CAPPS, this simply would not be happening. I want to thank Mr. DEAL for his leadership on behalf of many, many, many patients.

I would also like to take a brief moment to reflect on the loss of my friend and one of pulmonary hypertension's

most important voices in Congress, Tom Lantos. I know I speak for each one of us here when I say that we have dearly missed Tom's passion for his work and for the House of Representatives.

As chairman of the House Foreign Relations Committee, Tom was regularly confronting some of the most pressing challenges facing our country in the world today. Nevertheless, it was his work on PH that he routinely cited the most important thing he was doing in Congress.

As many of us know, Tom's granddaughter, Charity, was diagnosed with pulmonary hypertension several years ago. Ever since he had been a tireless advocates on behalf of PH patients and, in my opinion, a large part of why we have made so much progress over the last decade.

Like Tom, my involvement with PH is very personal. It is now more than a decade since the daughter of my very good friend, Jack Stibbs, was diagnosed with PH. Jack's daughter, Emily, was only 5 when her parents noticed at a community parade that she was struggling to bicycle fast enough to keep up with her friends. She always seemed out of breath and struggled to climb stairs. Doctors eventually diagnosed her with pulmonary hypertension.

PH is a serious and often-fatal condition where the blood pressure in the lungs rises to dangerously high levels. In PH patients, the walls of the arteries that take blood from the right side of the heart to the lungs, thicken and constrict. As a result, the right side of the heart has to pump harder and harder to move blood into the lungs, causing it to enlarge and ultimately fail.

PH can occur without a known cause or be secondary to other conditions, such as scleroderma, lupus, HIV, sickle cell, and liver disease. Patients develop symptoms that include shortness of breath, fatigue, chest pain, dizziness and fainting.

Unfortunately, these symptoms are frequently misdiagnosed, leaving patients with the false impression that they have a minor pulmonary or cardiovascular condition. By the time many patients receive an accurate diagnosis, the disease has progressed to a late stage, making it impossible to receive a necessary heart or lung transplant.

When Emily Stibbs was first diagnosed in 1977, the average survival rate for PH patients was just 2½ years. There was only one FDA-approved therapy at the time, and the best that doctors could do was to make patients comfortable as their condition deteriorated. To make matters worse, there is very little research on PH being supported by the National Institutes of Health.

Fortunately we have come a very long way in a relatively short period of time. There are now six FDA-approved therapies for PH with many, many more in the pipeline. People are living longer with a better quality of life than ever before. Our Federal health care agencies, including the National Institutes of Health, Centers for Disease Control and Food and Drug Administration are actively and aggressively engaged in the fight against PH.

Those of us here on Capitol Hill are more aware of this disease than ever before. The 247 Representatives who cosponsored our PH bill in the last Congress are testament to that fact. But there is still more work that can and must be done as pulmonary hypertension afflicts over 100,000 Americans and continues to strike women of child-bearing age in growing numbers.

Representative LOIS CAPPS has joined me in introducing the bill before us today, the Tom Lantos Pulmonary Hypertension Research and Education Act. This bill builds on what we have already accomplished and further emphasizes the need for more research, more training and more awareness.

Specifically, it urges the NIH to aggressively pursue collaborative research into better treatments and provides funding to increase physician and public awareness of the disease to ensure early and accurate diagnoses. I am proud of what we have done together and believe that a cure for PH is just around the corner, so long as we continue to keep the National Institutes of Health and medical community focused.

On behalf of pulmonary hypertension patients everywhere, I would like to thank Representative LOIS CAPPS for her leadership of this bill, Energy and Commerce Chairman DINGELL, Ranking Member JOE BARTON, Health Subcommittee Chairman FRANK Pallone, and, as I mentioned before, my dear friend, NATHAN DEAL, again, whose leadership was remarkable.

I conclude with this, over the last 10 years, we have decided that if I did nothing else in Congress, I would find a cure for this incurable disease.

I appreciate so much the Pulmonary Hypertension Association, which has raised, over the years, $10 million for research and education; the chairman of the association, Carl Hicks; its great president, Rino Aldrighetti; Katie Kroner and Gavin Lindberg, who have spent many years advocating on behalf of our patients in the association; Dr. Elizabeth Nabel, director of the National Heart, Lung and Blood Institute, who helped start the first Centers of Excellence for PH at the National Institutes of Health; and finally the staff of the Energy and Commerce Committee, including Jessica McNiece, Aarti Shaw, Brandon Clark, and Ryan Long.

It takes a collaborative effort to tackle a disease like this. We are making progress, and I am eternally grateful for their support.

Mr. PALLONE. Madam Speaker, I yield 2 minutes to the sponsor of the legislation, the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. I thank the chairman of our Health subcommittee for recognizing me.

Madam Speaker, I rise in support of H.R. 6568, for which I am proud to be the lead Democratic sponsor.

I want to commend Congressman KEVIN BRADY for his tireless work on behalf of pulmonary hypertension awareness over the last several years. As the name of this legislation indicates, our dear friend and former colleague, Tom Lantos, was a champion of working against this disease because of a very personal connection, his lovely granddaughter, Charity.

I am so proud that we could help the Lantos family fulfill their goal of seeing this bill acted on during the 110th Congress. I am sure that many of us will remember forever the day that Charity testified, that was in December of 2005.

She testified before the Energy and Commerce Committee. She so eloquently relayed to us the challenges of getting properly diagnosed and then adjusting to her daily complex routine in order to cope with her illness at the same time she pursued her musical career.

Pulmonary hypertension is a very rare disease, which is marked by increased blood pressure in the pulmonary artery, as has been described. There are very few treatments available, and this legislation is aimed at improving research and awareness about the disease so that we can find more effective treatments and, one day, a cure.

I want to thank the Energy and Commerce majority and minority staff for working hard to bring this bill up today, for the ranking member of the minority Health committee for insisting that it come before us today, and for the lead sponsor, again, KEVIN BRADY, for his efforts on behalf of the pulmonary hypertension community.

Of course, we thank the Lantos family for their advocacy on behalf of pulmonary hypertension, and the efforts to ensure this bill's passage in Tom Lantos' memory.

Mr. DEAL of Georgia. Madam Speaker, I had the honor of chairing that hearing that Mrs. CAPPS just referred to back in 2005 in the Energy and Commerce Committee, Health Subcommittee, in which we had the first hearing on pulmonary hypertension. The Honorable Tom Lantos' granddaughter, Charity, did testify. She was a compelling witness, and I think it is altogether fitting that this legislation be named in honor of her grandfather.

I want to thank Mrs. CAPPS and Mr. BRADY and all the others who have worked so hard on this legislation. As Mr. BRADY pointed out, this is an excellent example of citizen advocates who have taken this issue to heart and who have literally pushed this all the way. Without their support, we probably would not have been able to get this legislation to the floor. I commend all those who have had a hand in it.

Madam Speaker, I yield back the balance my time.

Mr. PALLONE. Madam Speaker, I have no further requests for time. I

would ask that everyone support this legislation, not only because of the issue of pulmonary hypertension and research and the need for it, but also as a tribute to Representative Lantos.

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 New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 6568, 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.

ALS REGISTRY ACT

Mr. PALLONE. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 1382) to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 1382

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 ''ALS Registry Act''.

SEC. 2. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

''SEC. 399R. AMYOTROPHIC LATERAL SCLEROSIS REGISTRY.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—Not later than 1 year after the receipt of the report described in subsection (b)(2)(A), the Secretary, acting through the Director of the Centers for Disease Control and Prevention, may, if scientifically advisable—

''(A) develop a system to collect data on amyotrophic lateral sclerosis (referred to in this section as 'ALS') and other motor neuron disorders that can be confused with ALS, misdiagnosed as ALS, and in some cases progress to ALS, including information with respect to the incidence and prevalence of the disease in the United States; and

''(B) establish a national registry for the collection and storage of such data to develop a population-based registry of cases in the United States of ALS and other motor neuron disorders that can be confused with ALS, misdiagnosed as ALS, and in some cases progress to ALS.

''(2) PURPOSE.—It is the purpose of the registry established under paragraph (1)(B) to—

''(A) better describe the incidence and prevalence of ALS in the United States;

''(B) examine appropriate factors, such as environmental and occupational, that may be associated with the disease;

''(C) better outline key demographic factors (such as age, race or ethnicity, gender, and family history of individuals who are diagnosed with the disease) associated with the disease;

''(D) better examine the connection between ALS and other motor neuron disorders that can be confused with ALS, misdiagnosed as ALS, and in some cases progress to ALS; and

''(E) other matters as recommended by the Advisory Committee established under subsection (b).

''(b) ADVISORY COMMITTEE.—

''(1) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this section, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, may establish a committee to be known as the Advisory Committee on the National ALS Registry (referred to in this section as the 'Advisory Committee'). The Advisory Committee shall be composed of not more than 27 members to be appointed by the Secretary, acting through the Centers for Disease Control and Prevention, of which—

''(A) two-thirds of such members shall represent governmental agencies—

''(i) including at least one member representing—

''(I) the National Institutes of Health, to include, upon the recommendation of the Director of the National Institutes of Health, representatives from the National Institute of Neurological Disorders and Stroke and the National Institute of Environmental Health Sciences;

''(II) the Department of Veterans Affairs;

''(III) the Agency for Toxic Substances and Disease Registry; and

''(IV) the Centers for Disease Control and Prevention; and

''(ii) of which at least one such member shall be a clinician with expertise on ALS and related diseases, an epidemiologist with experience in data registries, a statistician, an ethicist, and a privacy expert (relating to the privacy regulations under the Health Insurance Portability and Accountability Act of 1996); and

''(B) one-third of such members shall be public members, including at least one member representing—

''(i) national and voluntary health associations;

''(ii) patients with ALS or their family members;

''(iii) clinicians with expertise on ALS and related diseases;

''(iv) epidemiologists with experience in data registries;

''(v) geneticists or experts in genetics who have experience with the genetics of ALS or other neurological diseases and

''(vi) other individuals with an interest in developing and maintaining the National ALS Registry.

''(2) DUTIES.—The Advisory Committee may review information and make recommendations to the Secretary concerning—

''(A) the development and maintenance of the National ALS Registry;

''(B) the type of information to be collected and stored in the Registry;

''(C) the manner in which such data is to be collected;

''(D) the use and availability of such data including guidelines for such use; and

''(E) the collection of information about diseases and disorders that primarily affect motor neurons that are considered essential to furthering the study and cure of ALS.

''(3) REPORT.—Not later than 270 days after the date on which the Advisory Committee is established, the Advisory Committee may submit a report to the Secretary concerning the review conducted under paragraph (2) that contains the recommendations of the Advisory Committee with respect to the results of such review.

''(c) GRANTS.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may award grants to, and enter into contracts and cooperative agreements with, public or private nonprofit entities for the collection, analysis, and reporting of data on ALS and other motor neuron disorders that can be confused with ALS, misdiagnosed as ALS, and in some cases progress to ALS after receiving the report under subsection (b)(3).

''(d) COORDINATION WITH STATE, LOCAL, AND FEDERAL REGISTRIES.—

''(1) IN GENERAL.—In establishing the National ALS Registry under subsection (a), the Secretary, acting through the Director of the Centers for Disease Control and Prevention, may—

''(A) identify, build upon, expand, and coordinate among existing data and surveillance systems, surveys, registries, and other Federal public health and environmental infrastructure wherever possible, which may include—

''(i) any registry pilot projects previously supported by the Centers for Disease Control and Prevention;

''(ii) the Department of Veterans Affairs ALS Registry;

''(iii) the DNA and Cell Line Repository of the National Institute of Neurological Disorders and Stroke Human Genetics Resource Center at the National Institutes of Health;

''(iv) Agency for Toxic Substances and Disease Registry studies, including studies conducted in Illinois, Missouri, El Paso and San Antonio, Texas, and Massachusetts;

''(v) State-based ALS registries;

''(vi) the National Vital Statistics System; and

''(vii) any other existing or relevant databases that collect or maintain information on those motor neuron diseases recommended by the Advisory Committee established in subsection (b); and

''(B) provide for research access to ALS data as recommended by the Advisory Committee established in subsection (b) to the extent permitted by applicable statutes and regulations and in a manner that protects personal privacy consistent with applicable privacy statutes and regulations.

''(2) COORDINATION WITH NIH AND DEPARTMENT OF VETERANS AFFAIRS.—Consistent with applicable privacy statutes and regulations, the Secretary may ensure that epidemiological and other types of information obtained under subsection (a) is made available to the National Institutes of Health and the Department of Veterans Affairs.

''(e) DEFINITION.—For the purposes of this section, the term 'national voluntary health association' means a national non-profit organization with chapters or other affiliated organizations in States throughout the United States with experience serving the population of individuals with ALS and have demonstrated experience in ALS research, care, and patient services.''.

SEC. 3. REPORT ON REGISTRIES.

Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services may submit to the appropriate committees of Congress a report outlining—

(1) the registries currently under way;

(2) future planned registries;

(3) the criteria involved in determining what registries to conduct, defer, or suspend; and

(4) the scope of those registries.

The report may also include a description of the activities the Secretary undertakes to establish partnerships with research and patient advocacy communities to expand registries.

□ 1630

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

New Jersey (Mr. PALLONE) and the gentleman from Nebraska (Mr. TERRY) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

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

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

There was no objection.

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

Madam Speaker, I rise in support of S. 1382, the ALS Registry Act. ALS, more commonly known as Lou Gehrig's disease, is a fatal, progressive neurodegenerative disease affecting approximately 5,600 Americans each year. It is estimated that as many as 30,000 Americans have ALS at any given time, with an average life expectancy of 2 to 5 years from time of diagnosis.

Today, no single national patient registry collects and stores information on the prevalence and incidence of ALS.

The ALS Registry Act would create a nationwide registry at the Centers for Disease Control and Prevention for ALS and other related motor neuron disorders. The patient registry would collect data which is urgently needed for ALS research, disease management, and the development of standards of care. This will allow us to make real progress in better understanding ALS, and to develop measures for prevention, treatment, and eventually a cure for this dreaded disease.

I would like to thank my dear friend and colleague on the Energy and Commerce Committee Representative ELIOT ENGEL for his dedication to bringing this bill before us today. ELIOT and I, along with NITA LOWEY, started the same time in Congress, which is about 20 years now. I remember when we had the hearing on this. Mr. ENGEL is from New York and talked a little about Lou Gehrig. I had actually been to a Yankees' game just a few days before, and I saw so many people wearing Lou Gehrig shirts, and I was amazed after so many years that that would still be the case.

On October 16 of last year, we overwhelmingly passed the House companion to S. 1382, and I strongly urge us to pass this bill by the same margin. Please join me in enacting this important legislation.

I reserve the balance of my time.

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

Madam Speaker, as one of the coauthors of this bill, I rise in support of Senate 1382, or at least the House version of this ALS Registry Act.

ALS, sometimes called Lou Gehrig's disease, is a rapidly progressive and invariably fatal neurological disease that attacks the nerve cells responsible for controlling voluntary muscles. The disease belongs to a group of disorders known as motor neuron diseases, which are characterized by the gradual degeneration and death of motor neurons.

As many as 20,000 Americans have ALS, and an estimated 5,000 people in the United States are diagnosed with the disease each year. ALS is one of the most common neuromuscular diseases worldwide, and people of all races and ethnic backgrounds are affected. ALS most commonly strikes people between 40 and 60 years of age, but younger and older people also can develop the disease.

Constituents suffering from what used to be called Lou Gehrig's disease have been visiting Congress and asking for help for years. The disease is brutal, and I believe that establishing a registry will help researchers cure ALS. An ALS registry will serve as an excellent resource for scientists.

I thank Mr. ENGEL and others like Mr. DEAL who helped shepherd this through our subcommittee and committee and in making sure that it got here today.

Madam Speaker, I urge all Members to support this legislation.

I reserve the balance of my time.

Mr. PALLONE. Madam Speaker, I yield 4 minutes to the sponsor of the bill, the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. I thank my good friend, the gentleman from New Jersey (Mr. PALLONE), with whom I have worked so closely during these past 20 years on so many things, and he is doing a wonderful job as chairman of our Health Subcommittee on the Energy and Commerce Committee.

Madam Speaker, I am so proud that through hard work and compromise with the Senate, that today we will take up a final version of the ALS Registry Act. The House has passed this bill before. It was stuck in the Senate. We finally have it shaken loose and it is back with the Senate version which we are proud to all support. Thanks to this legislation, we will provide for the creation and maintenance of a single, nationwide ALS registry at the Centers for Disease Control and Prevention.

Amyotrophic lateral sclerosis, ALS, also known as Lou Gehrig's disease, is a fatal, progressive neurodegenerative disease that affects motor nerve cells in the brain and spinal cord. Approximately 5,600 people in the U.S. are diagnosed with ALS each year, and it is estimated that as many as 30,000 Americans have the disease at any given time. The average life expectancy for a person with ALS is 2 to 5 years from the time of diagnosis. The causes of ALS are not well understood, and there is no known cure.

I first became aware of this disease through my grandmother. My father's mother was diagnosed with this disease. I was only 2½ when she passed away. As Mr. PALLONE mentioned, the most famous person with this disease is Lou Gehrig. I come from the Bronx where the Yankees play, and Yankee Stadium just had its last game on Sunday evening. The clips that we saw were from that famous speech that Lou Gehrig made at Yankee Stadium. You could hear the echoes reverberating, saying that he felt he was the luckiest man on the face of the Earth. And it is fitting that today we pass this bill, just a few days after Yankee Stadium where Lou Gehrig toiled for so many years is closing. This is a fitting tribute to Lou Gehrig.

A single national patient registry which collects and stores information on the prevalence and incidence of ALS does not exist in the United States today, believe it or not, and that is what this bill is going to change.

The establishment of a national registry will help identify the incidence and prevalence of ALS and other motor neuron disorders in the United States and collect data which is urgently needed for ALS research, disease management and the development of standards of care in order to significantly enhance the Nation's efforts to find a treatment and cure for ALS.

I would like to thank Steve Gibson and Pat Wildman of the ALS Association for their partnership on this bill. We have worked with them for so many years, as well as William Garner of Chairman DINGELL's staff for his work on this bill. I would also like to thank John Ford, formerly of Chairman DINGELL's staff and Katherine Martin, formerly of Ranking Member BARTON's staff who worked so diligently on this bill prior to its original House passage in 2007.

I thank all my colleagues for it and urge them to pass this bill. It has been a long time coming, but it is finally here.

Mr. TERRY. Madam Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. PALLONE. Madam Speaker, I would just urge passage of this important legislation relevant to ALS, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the Senate bill, S. 1382.

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. TERRY. 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.

PRENATALLY AND POSTNATALLY DIAGNOSED CONDITIONS AWARENESS ACT

Mr. PALLONE. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 1810) to amend the Public Health Service Act to increase the provision of scientifically sound information and support services to patients receiving a positive test diagnosis for Down's syndrome or other prenatally and postnatally diagnosed conditions.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 1810

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 ''Prenatally and Postnatally Diagnosed Conditions Awareness Act''.

SEC. 2. PURPOSES.

It is the purpose of this Act to—

(1) increase patient referrals to providers of key support services for women who have received a positive diagnosis for Down syndrome, or other prenatally or postnatally diagnosed conditions, as well as to provide up-to-date information on the range of outcomes for individuals living with the diagnosed condition, including physical, developmental, educational, and psychosocial outcomes;

(2) strengthen existing networks of support through the Centers for Disease Control and Prevention, the Health Resources and Services Administration, and other patient and provider outreach programs; and

(3) ensure that patients receive up-to-date, evidence-based information about the accuracy of the test.

SEC. 3. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

''SEC. 399R. SUPPORT FOR PATIENTS RECEIVING A POSITIVE DIAGNOSIS OF DOWN SYNDROME OR OTHER PRENATALLY OR POSTNATALLY DIAGNOSED CONDITIONS.

''(a) DEFINITIONS.—In this section:

''(1) DOWN SYNDROME.—The term 'Down syndrome' refers to a chromosomal disorder caused by an error in cell division that results in the presence of an extra whole or partial copy of chromosome 21.

''(2) HEALTH CARE PROVIDER.—The term 'health care provider' means any person or entity required by State or Federal law or regulation to be licensed, registered, or certified to provide health care services, and who is so licensed, registered, or certified.

''(3) POSTNATALLY DIAGNOSED CONDITION.—The term 'postnatally diagnosed condition' means any health condition identified during the 12-month period beginning at birth.

''(4) PRENATALLY DIAGNOSED CONDITION.—The term 'prenatally diagnosed condition' means any fetal health condition identified by prenatal genetic testing or prenatal screening procedures.

''(5) PRENATAL TEST.—The term 'prenatal test' means diagnostic or screening tests offered to pregnant women seeking routine prenatal care that are administered on a required or recommended basis by a health care provider based on medical history, family background, ethnic background, previous test results, or other risk factors.

''(b) INFORMATION AND SUPPORT SERVICES.—

''(1) IN GENERAL.—The Secretary, acting through the Director of the National Institutes of Health, the Director of the Centers for Disease Control and Prevention, or the Administrator of the Health Resources and Services Administration, may authorize and oversee certain activities, including the awarding of grants, contracts or cooperative agreements to eligible entities, to—

''(A) collect, synthesize, and disseminate current evidence-based information relating to Down syndrome or other prenatally or postnatally diagnosed conditions; and

''(B) coordinate the provision of, and access to, new or existing supportive services for patients receiving a positive diagnosis for Down syndrome or other prenatally or postnatally diagnosed conditions, including—

''(i) the establishment of a resource telephone hotline accessible to patients receiving a positive test result or to the parents of newly diagnosed infants with Down syndrome and other diagnosed conditions;

''(ii) the expansion and further development of the National Dissemination Center for Children with Disabilities, so that such Center can more effectively conduct outreach to new and expecting parents and provide them with up-to-date information on the range of outcomes for individuals living with the diagnosed condition, including physical, developmental, educational, and psychosocial outcomes;

''(iii) the expansion and further development of national and local peer-support programs, so that such programs can more effectively serve women who receive a positive diagnosis for Down syndrome or other prenatal conditions or parents of infants with a postnatally diagnosed condition;

''(iv) the establishment of a national registry, or network of local registries, of families willing to adopt newborns with Down syndrome or other prenatally or postnatally diagnosed conditions, and links to adoption agencies willing to place babies with Down syndrome or other prenatally or postnatally diagnosed conditions, with families willing to adopt; and

''(v) the establishment of awareness and education programs for health care providers who provide, interpret, or inform parents of the results of prenatal tests for Down syndrome or other prenatally or postnatally diagnosed conditions, to patients, consistent with the purpose described in section 2(b)(1) of the Prenatally and Postnatally Diagnosed Conditions Awareness Act.

''(2) ELIGIBLE ENTITY.—In this subsection, the term 'eligible entity' means—

''(A) a State or a political subdivision of a State;

''(B) a consortium of 2 or more States or political subdivisions of States;

''(C) a territory;

''(D) a health facility or program operated by or pursuant to a contract with or grant from the Indian Health Service; or

''(E) any other entity with appropriate expertise in prenatally and postnatally diagnosed conditions (including nationally recognized disability groups), as determined by the Secretary.

''(3) DISTRIBUTION.—In distributing funds under this subsection, the Secretary shall place an emphasis on funding partnerships between health care professional groups and disability advocacy organizations.

''(c) PROVISION OF INFORMATION TO PROVIDERS.—

''(1) IN GENERAL.—A grantee under this section shall make available to health care providers of parents who receive a prenatal or postnatal diagnosis the following:

''(A) Up-to-date, evidence-based, written information concerning the range of outcomes for individuals living with the diagnosed condition, including physical, developmental, educational, and psychosocial outcomes.

''(B) Contact information regarding support services, including information hotlines specific to Down syndrome or other prenatally or postnatally diagnosed conditions, resource centers or clearinghouses, national and local peer support groups, and other education and support programs as described in subsection (b)(2).

''(2) INFORMATIONAL REQUIREMENTS.—Information provided under this subsection shall be—

''(A) culturally and linguistically appropriate as needed by women receiving a positive prenatal diagnosis or the family of infants receiving a postnatal diagnosis; and

''(B) approved by the Secretary.

''(d) REPORT.—Not later than 2 years after the date of enactment of this section, the Government Accountability Office shall submit a report to Congress concerning the effectiveness of current healthcare and family support programs serving as resources for the families of children with disabilities.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Georgia (Mr. DEAL) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

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

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

There was no objection.

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

Madam Speaker, I rise in support of S. 1810, the Prenatally and Postnatally Diagnosed Condition Awareness Act, legislation introduced by Senator BROWNBACK.

Madam Speaker, this legislation would ensure that pregnant women or mothers of newborns with a prenatally or postnatally diagnosed condition have timely access to updated, scientific information about the life expectancy, intellectual and functional development and treatment options for their child.

In addition, this legislation would provide families with referrals to support services; improve our Nation's epidemiological understanding of prenatally and postnatally diagnosed conditions; and support health care providers to provide the results of prenatal or postnatal tests to patients.

I would like to once again thank all of my colleagues, especially Mr. SENSENBRENNER, the sponsor of the House companion legislation, for all of their hard work. I urge my colleagues on both sides of the aisle to support its passage.

I reserve the balance of my time.

Mr. DEAL of Georgia. Madam Speaker, at this time I would like to yield such time she may consume to Representative MCMORRIS RODGERS.

Mrs. MCMORRIS RODGERS. Madam Speaker, I rise in strong support of Senate bill 1810, the Prenatally and Postnatally Diagnosed Conditions Awareness Act. I believe that this bill is a positive step forward in helping new and expecting parents of children with special needs get accurate information on the real potential of their children. This sort of information is critical at the time of diagnosis.

This legislation is very important to me because I am the proud mother of an amazing baby boy, Cole McMorris Rodgers. Two years ago my life changed when I found out I was expecting my first child, and it changed even more dramatically when Cole was born a month early and he was diagnosed with Down syndrome. Cole turned a year old in April; and looking back on the last year, I can't imagine life without him.

Everywhere I go, I have met people who share their stories of being touched by a loved one with special needs. They always share with me the positive impacts that this person has had in their life. It has helped me see just a glimpse of the amazing impact that my son is going to have on our lives as well as this world.

The bill we are considering today will help parents who either receive news that their child may be born with a genetic disorder or some other abnormality, or a child that has been diagnosed from birth up until 12 months of age, with current and reliable information about the many services and support networks available.

When new and expecting parents are told that their child will have some kind of genetic disorder, it is a very difficult and sometimes an overwhelming experience. And yet a study by Louis Harris and Associates found that medical professionals are more likely than any other group to underestimate the quality of life experienced by people with disabilities.

This situation is not due to a lack of will by parent support groups or disability advocacy groups. These organizations have tried countless ways to reach out to parents who have received a prenatal diagnosis. Unfortunately, many geneticists and OB–GYNs believe that parents of children with these conditions and adults living with these conditions are biased.

Specifically, this bill provides for the establishment of a resource telephone hotline, a Web site, and the expansion of the leading information clearinghouse on disabilities so that it can more effectively provide parents with accurate and up-to-date information on their child's condition, along with the available resources and services.

I applaud the work of Senators BROWNBACK and KENNEDY for their great work on this important bill. Their commitment to the disability community is commendable, and I urge colleagues on both sides of the aisle to join me in support of S. 1810.

Madam Speaker, I rise today in strong support for S. 1810, the Prenatally and Postnatally Diagnosed Conditions Awareness Act. I believe this bill is a positive step forward in helping new and expecting parents of children with special needs get accurate information on the real potential of their children. This sort of information is critical at the time of diagnosis.

This legislation is very important to me because I am the proud mother of an amazing baby boy—Cole McMorris Rodgers. Two years ago, my life changed when I found out I was expecting my first child. It changed even more drastically when Cole was born a month early and was diagnosed with Down syndrome. Cole turned 1 year old at the end of April, and looking back on the last year, I can't imagine my life without him.

Everywhere I go, I've met people who share their stories about a loved one who has special needs and they always share with me the positive impact that this person had in their life. It has helped me see a glimpse of the amazing impact my son is going to have on our lives and in this world.

Because of my personal experiences with my son Cole, I have made it my personal goal to increase awareness of the capabilities, value, and worth of people with disabilities. I am committed to helping families and individuals with disabilities have an opportunity to lead full, happy and productive lives.

Today, because of the advances in technology, we offer diagnosis for Down syndrome prenatally and soon we will be able to diagnose other genetic disorders and diseases prenatally. The question is every person in America is, "what are we going to do with this information and help parents when they receive the news of a diagnosis?"

The bill we are considering today will help parents who either receive the news that their child may be born with a disability, or their child has been diagnosed from birth up until 12 months of age, with current and reliable information about the many services and support networks available. This is a distressing and confusing time for parents of special children and it is so important for them to know that they are not alone, others have struggled with the same questions, and answers are available.

When new or expecting parents are told that their child will have a disability it is a very difficult and sometimes overwhelming experience. And yet, a study by Louis Harris and Associates found that medical professionals are more likely than any other group to underestimate the quality of life experienced by people with disabilities.

This situation is not due to a lack of will by the parent support groups and disability advocacy groups. These organizations have tried countless ways to reach out to parents who have received prenatal diagnoses of various conditions. Unfortunately, many geneticists and OB–GYNs believe that the parents of children with these conditions and the adults living with these conditions are biased.

Specifically, this bill provides for the establishment of a resource telephone hotline, a Web site, and the expansion of the leading information clearinghouse on disability, so that it can more effectively provide parents with accurate, up-to-date information on their child's condition along with available resources and services. S. 1810 also provides for the expansion and development of national and local parent support programs, so that they can more effectively reach out to new parents. In addition, this bill establishes a national registry of parents willing to adopt children with these disabilities. Finally, it establishes awareness and education programs for health care providers who give parents the results of these tests.

I applaud the work of Senators BROWNBACK and KENNEDY for their great work on this important bill. Their commitment to the disability community is commendable. I urge my colleagues on both sides of the aisle to join me in support of passage of S. 1810, the Prenatally and Postnatally Diagnosed Conditions Awareness Act. I hope that this bill will provide these parents with the information and support they so desperately need during a critical time.

Mr. PALLONE. Madam Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. I thank the gentleman for the opportunity.

I am proud to have joined as the lead Democratic cosponsor with the gentleman from Wisconsin (Mr. SENSENBRENNER) on the House version of this legislation. I would like to thank Mr. SENSENBRENNER, Senator BROWNBACK, and Senator KENNEDY for their leadership in moving this bill.

Last year, Congresswoman DELAURO and I introduced legislation called Reducing the Need for Abortions and Supporting Parents Act which contains a provision similar to what is in this bill before us now.

What this bill does is make a commitment to new and expectant mothers whose child receives a diagnosis for Down syndrome or other prenatally or postnatally diagnosed conditions. Society will be there, and it tells them that society will be there to support you. We will bring every resource to bear to ensure that you are able to raise a beautiful baby.

Never should a pregnant woman feel that her options are limited by a lack of public support for the types of social services that could help her, her family, and her baby.

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The sad reality, Madam Speaker, is that over 90 percent of pregnancies with a diagnosis of Down Syndrome are aborted. This should not and need not be the case. We have not done enough to help these women and their families. We must do more to get them the support they need, the support they deserve, and this bill is a crucial step in that direction.

Lastly, I would like to thank Speaker PELOSI, Minority Leader BOEHNER and my friends on the other side of the aisle for working together to get this common ground legislation passed.

Mr. DEAL of Georgia. Madam Speaker, I am pleased to yield to one of the leaders on this subject matter here in the House, the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Madam Speaker, I'm pleased that the House is considering Senate 1810, the Prenatally and Postnatally Diagnosed Conditions Awareness Act. This bill would ensure

that families who receive a diagnosis of Down Syndrome or any other condition, prenatally or up to a year after birth, receive information, referrals and support in a number of ways.

I first introduced the House companion bill in 2005. Research has indicated that when parents are confronted with a complex prenatal test result indicating their child may be born with a level of disability, they're not receiving comprehensive information regarding the accuracy of the test, nor are they receiving up-to-date information regarding life expectancy, developmental potential or quality of life of individuals with these disabilities.

Mothers of children born with Down Syndrome have reported that doctors did not tell them about the potential of people with Down Syndrome, nor did they feel like they received contact information for parent support groups. This is unfortunate, particularly in light of mothers reporting that the shortcomings were happening at an emotional time.

This Act will require health care providers who deliver a positive test diagnosis to also deliver referrals to key support services in the community, as well as up-to-date science-based information about the life expectancy, developmental potential and treatment options for individuals with prenatally diagnosable conditions. The accuracy and integrity of this information is of the utmost importance.

Patients would be provided with support through the Centers for Disease Control patient and provider outreach programs. A hot line and Web site for newly diagnosed patients would be established, and peer support groups and network would be formed to provide personal support.

My wife, Cheryl, has a sister living with Down Syndrome. I have witnessed firsthand what a wonderful and capable woman my sister-in-law has become. Tara Rae Warren completed her high school education, is financially independent, and lectures to students of special education on the challenges of the disability. Cheryl's family has always been there for her, and we have worked through the challenges by having a positive support structure.

My hope is that all families with diagnosed children can gain access to positive current information and the network of supportive families. Informed decision-making is better for everyone involved.

I urge my colleagues to join me in support of this important bill.

Mr. PALLONE. Madam Speaker, I have no further speakers, and I yield back the balance of my time and ask that everyone support this legislation.

Mr. DEAL of Georgia. Madam Speaker, I urge my colleagues to join us in taking this very first important step of dealing with the care and the quality of care for individuals who suffer from Down Syndrome and for their families. I urge the adoption of this legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the Senate bill, S. 1810.

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.

POISON CENTER SUPPORT, ENHANCEMENT, AND AWARENESS ACT OF 2008

Mr. PALLONE. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 2932) to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program to provide assistance for poison prevention, sustain the funding of poison centers, and enhance the public health of people of the United States.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2932

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 ''Poison Center Support, Enhancement, and Awareness Act of 2008''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Poison control centers are the primary defense of the United States against injury and deaths from poisoning. Twenty-four hours a day, the general public as well as health care practitioners contact their local poison control centers for help in diagnosing and treating victims of poisoning. In 2007, more than 4,000,000 calls were managed by poison control centers providing ready and direct access for all people of the United States, including many underserved populations in the United States, with vital emergency public health information and response.

(2) Poisoning is the second most common form of unintentional death in the United States. In any given year, there will be between 3,000,000 and 5,000,000 poison exposures. Sixty percent of these exposures will involve children under the age of 6 who are exposed to toxins in their home. Poisoning accounts for 285,000 hospitalizations, 1,200,000 days of acute hospital care, and more than 26,000 fatalities in 2005.

(3) In 2008, the Harvard Injury Control Research Center reported that poisonings from accidents and unknown circumstances more than tripled in rate since 1990. In 2005, the last year for which data are available, 26,858 people died from accidental or unknown poisonings. This represents an increase of 20,000 since 1990 and an increase of 2,400 between 2004 and 2005. Fatalities from poisoning are increasing in the United States in near epidemic proportions. The funding of programs to reverse this trend is needed now more than ever.

(4) In 2004, The Institute of Medicine of the National Academy of Sciences recommended that ''Congress should amend the current Poison Control Center Enhancement and Awareness Act Amendments of 2003 to provide sufficient funding to support the proposed Poison Prevention and Control System with its national network of poison centers. Support for the core activities at the current level of service is estimated to require more than $100 million annually.''.

(5) Sustaining the funding structure and increasing accessibility to poison control centers will promote the utilization of poison control centers and reduce the inappropriate use of emergency medical services and other more costly health care services. The 2004 Institute of Medicine Report to Congress determined that for every $1 invested in the Nation's poison control centers $7 of health care costs are saved. In 2005, direct Federal health care program savings totaled in excess of $525,000,000 as the result of poison control center public health services.

(6) More than 30 percent of the cost savings and financial benefits of the Nation's network of poison control centers are realized annually by Federal health care programs (estimated to be more than $1,000,000,000), yet Federal funding support (as demonstrated by the annual authorization of $30,100,000 in Public Law 108–194) comprises less than 11 percent of the annual network expenditures of poison centers.

(7) Real-time data collected from the Nation's certified poison control centers can be an important source of information for the detection, monitoring, and response for contamination of the air, water, pharmaceutical, or food supply.

(8) In the event of a terrorist event, poison control centers will be relied upon as a critical source for accurate medical information and public health emergency response concerning the treatment of patients who have had an exposure to a chemical, radiological, or biological agent.

SEC. 3. REAUTHORIZATION OF POISON CONTROL CENTERS NATIONAL TOLL-FREE NUMBER.

Section 1271 of the Public Health Service Act (42 U.S.C. 300d–71) is amended to read as follows:

''SEC. 1271. MAINTENANCE OF THE NATIONAL TOLL-FREE NUMBER.

''(a) IN GENERAL.—The Secretary shall provide coordination and assistance to poison control centers for the establishment of a nationwide toll-free phone number, and the maintenance of such number, to be used to access such centers.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $2,000,000 for fiscal year 2009 to carry out this section, and $700,000 for each of fiscal years 2010 through 2014 for the maintenance of the nationwide toll free phone number under subsection (a).''.

SEC. 4. REAUTHORIZATION OF NATIONWIDE MEDIA CAMPAIGN TO PROMOTE POISON CONTROL CENTER UTILIZATION.

(a) IN GENERAL.—Section 1272 of the Public Health Service Act (42 U.S.C. 300d–72) is amended to read as follows:

''SEC. 1272. NATIONWIDE MEDIA CAMPAIGN TO PROMOTE POISON CONTROL CENTER UTILIZATION.

''(a) IN GENERAL.—The Secretary shall carry out, and expand upon, a national media campaign to educate the public and health care providers about poison prevention and the availability of poison control center resources in local communities and to conduct advertising campaigns concerning the nationwide toll-free number established under section 1271(a).

''(b) CONTRACT WITH ENTITY.—The Secretary may carry out subsection (a) by entering into contracts with one or more public or private entities, including nationally recognized organizations in the field of poison control and national media firms, for the

development and implementation of a nationwide poison prevention and poison control center awareness campaign, which may include—

''(1) the development and distribution of poison prevention and poison control center awareness materials;

''(2) television, radio, Internet, and newspaper public service announcements; and

''(3) other activities to provide for public and professional awareness and education.

''(c) EVALUATION.—The Secretary shall—

''(1) establish baseline measures and benchmarks to quantitatively evaluate the impact of the nationwide media campaign carried out under this section; and

''(2) on an annual basis, prepare and submit to the appropriate committees of Congress, an evaluation of the nationwide media campaign.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for fiscal year 2009, and $800,000 for each of fiscal years 2010 through 2014.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective on the date of the enactment of this Act and shall apply to contracts entered into on or after January 1, 2009.

SEC. 5. REAUTHORIZATION OF THE POISON CONTROL CENTER GRANT PROGRAM.

(a) IN GENERAL.—Section 1273 of the Public Health Service Act (42 U.S.C. 300d–73) is amended to read as follows:

''SEC. 1273. MAINTENANCE OF THE POISON CONTROL CENTER GRANT PROGRAM.

''(a) AUTHORIZATION OF PROGRAM.—The Secretary shall award grants to poison control centers certified under subsection (c) (or granted a waiver under subsection (d)) and professional organizations in the field of poison control for the purposes of preventing, and providing treatment recommendations for, poisonings and complying with the operational requirements needed to sustain the certification of the center under subsection (c).

''(b) ADDITIONAL USES OF FUNDS.—In addition to the purposes described in subsection (a), a poison center or professional organization awarded a grant, contract, or cooperative agreement under such subsection may also use amounts received under such grant, contract, or cooperative agreement—

''(1) to establish and evaluate best practices in the United States for poison prevention, poison control center outreach, and emergency and preparedness programs;

''(2) to research, develop, implement, revise, and communicate standard patient management guidelines for commonly encountered toxic exposures;

''(3) to improve national toxic exposure surveillance by enhancing cooperative activities between poison control centers in the United States and the Centers for Disease Control and Prevention;

''(4) to develop, support, and enhance technology and capabilities of professional organizations in the field of poison control to collect national poisoning, toxic occurrence, and related public health data;

''(5) to develop initiatives to foster the enhanced public health utilization of national poison data collected by organizations described in paragraph (4);

''(6) to support and expand the toxicologic expertise within poison control centers; and

''(7) to improve the capacity of poison control centers to answer high volumes of calls and respond during times of national crisis or other public health emergencies.

''(c) CERTIFICATION.—Except as provided in subsection (d), the Secretary may award a grant to a poison control center under subsection (a) only if—

''(1) the center has been certified by a professional organization in the field of poison control, and the Secretary has approved the organization as having in effect standards for certification that reasonably provide for the protection of the public health with respect to poisoning; or

''(2) the center has been certified by a State government, and the Secretary has approved the State government as having in effect standards for certification that reasonably provide for the protection of the public health with respect to poisoning.

''(d) WAIVER OF CERTIFICATION REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary may grant a waiver of the certification requirements of subsection (c) with respect to a noncertified poison control center that applies for a grant under this section if such center can reasonably demonstrate that the center will obtain such a certification within a reasonable period of time as determined appropriate by the Secretary.

''(2) RENEWAL.—The Secretary may renew a waiver under paragraph (1).

''(3) LIMITATION.—In no case may the sum of the number of years for a waiver under paragraph (1) and a renewal under paragraph (2) exceed 5 years. The preceding sentence shall take effect as of the date of the enactment of the Poison Center Support, Enhancement, and Awareness Act of 2008.

''(e) SUPPLEMENT NOT SUPPLANT.—Amounts made available to a poison control center under this section shall be used to supplement and not supplant other Federal, State or local funds provided for such center.

''(f) MAINTENANCE OF EFFORT.—A poison control center, in utilizing the proceeds of a grant under this section, shall maintain the expenditures of the center for activities of the center at a level that is not less than the level of expenditures maintained by the center for the fiscal year preceding the fiscal year for which the grant is received.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $27,500,000 for fiscal year 2009, and $28,600,000 for each of fiscal years 2010 through 2014. The Secretary may utilize not to exceed 8 percent of the amount appropriated under this preceding sentence in each fiscal year for coordination, dissemination, technical assistance, program evaluation, data activities, and other program administration functions that do not include grants, contracts, or cooperative agreements under subsections (a) and (b), which are determined by the Secretary to be appropriate for carrying out the program under this section.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective as of the date of the enactment of this Act and shall apply to grants made on or after January 1, 2009.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Nebraska (Mr. TERRY) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

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

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

There was no objection.

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

Madam Speaker, I rise in strong support of S. 2932, the Poison Control Center Support Enhancement and Awareness Act sponsored by Senator PATTY MURRAY of Washington.

I also want to thank my colleagues on the Energy and Commerce Committee, Mr. TOWNS and Mr. TERRY, who have worked very hard on the House companion legislation which they have cosponsored.

Madam Speaker, Poison Control Centers are our Nation's primary defense against injury and deaths from poisoning. These centers are on call 24 hours a day to help providers and the public with possible exposures to poison.

In addition, poison centers provide essential follow-up care, professional health care provider education, nationwide data collection on poisoning, as well as a number of other services.

Madam Speaker, these centers are of tremendous value to our communities. The bill would provide our Nation's Poison Control Centers with the necessary funding to continue their important mission.

I urge my colleagues on both sides of the aisle to offer their support.

I reserve the balance of my time.

Mr. TERRY. Madam Speaker, I yield myself as much time as I may consume.

As the coauthor of the House version of the Poison Center Support Enhancement and Awareness Act, I rise in support of Senate 2932.

I'd also like to commend Senator MURRAY and my fellow coauthor, Congressman TOWNS, for their work on this bill.

The Poison Center Support Enhancement and Awareness Act of 2008 reauthorizes the Poison Control Center program for an additional 5 years. Poison Control Centers are medical facilities that provide immediate, free and expert treatment advice and assistance in case of exposure to poisonous or hazardous substances.

As a parent of a young child, in fact, three young children, I recognize how important it is to be able to have the entity like Poison Control Centers to call in times of distress. I'm glad to see that this program can continue offering its much needed services in our local communities.

Madam Speaker, I urge all of my colleagues to support this legislation.

I reserve the balance of my time.

Mr. PALLONE. Madam Speaker, I yield 2 minutes to the sponsor of the legislation, the gentleman from New York (Mr. TOWNS).

Mr. TOWNS. Thank you very much, Chairman PALLONE, and, of course, Congressman TERRY and Chairman DINGELL and Ranking Member BARTON and DEAL for their leadership on the Poison Control Center measure.

Congressman LEE TERRY and I introduced H.R. 5669, the Poison Center Support Enhancement and Awareness Act

of 2008, which passed by greater than 300 votes on the House floor. The Senate modified the measure slightly, and we now must pass the Senate version and quickly get it to the President.

I again ask my colleagues to vote in support of S. 2932. This bill saves many lives. Especially children and seniors have been saved by the Poison Control Centers. Therefore, I encourage my colleagues to support this life-saving amendment.

Mr. TERRY. Having no further speakers, Madam Speaker, I yield back the balance of our time.

Mr. PALLONE. Madam Speaker, I have no further requests. I urge support of the bill, and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the Senate bill, S. 2932.

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. TERRY. 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.

SUPPORTING THE GOALS AND IDEALS OF TAY-SACHS AWARENESS MONTH

Mr. PALLONE. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1333) supporting the goals and ideals of Tay-Sachs Awareness Month, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1333

Whereas Tay-Sachs disease is a rare, genetic disorder that causes destruction of nerve cells in the brain and spinal cord due to the poor functioning of an enzyme called beta-hexosaminidase A;

Whereas there is no proven treatment or cure for Tay-Sachs disease, which is always fatal in children;

Whereas the disorder was named after Warren Tay, an ophthalmologist from the United Kingdom, and Bernard Sachs, a neurologist from the United States, both of whom contributed to the discovery of the disease in 1881 and 1887, respectively;

Whereas Tay-Sachs disease often affects families with no prior history of the disease;

Whereas approximately 1 in 27 Ashkenazi Jews, 1 in 30 Louisianan Cajuns, 1 in 30 French Canadians, 1 in 50 Irish Americans, and 1 in every 250 people are carriers of Tay-Sachs disease;

Whereas approximately 1,200,000 Americans are carriers of Tay-Sachs disease;

Whereas these unaffected carriers of the disease possess the recessive gene that can trigger the disease in future generations;

Whereas if both parents of a child are carriers of Tay-Sachs disease, there is a 1 in 4 chance that the child will develop Tay-Sachs disease;

Whereas a blood test can determine if an individual is a carrier of Tay-Sachs disease, and those citizens who are members of high-risk populations should consider being screened; and

Whereas heightened awareness and continued research efforts are the best ways to find a treatment for this horrific disease: Now, therefore, be it

Resolved, That the House of Representatives supports the goals and ideals of Tay-Sachs Awareness Month and encourages and supports education and research efforts with respect to Tay-Sachs disease.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Georgia (Mr. DEAL) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

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

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

There was no objection.

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

Madam Speaker, I rise in support of H. Res. 1333, Supporting the Goals and Ideals of Tay-Sachs Awareness Month.

Tay-Sachs is a rare genetic disorder that causes destruction of nerve cells in the brain and spinal cord. It usually develops in infants and leads to blindness and paralysis before ultimately giving way to death. Unfortunately, there is presently no treatment or cure for this disease.

The resolution before us today supports education and continued research efforts to combat Tay-Sachs disease so that one day we may find a cure.

I want to thank my colleague, Representative ARCURI from New York, for his work in raising this important issue. I know this issue is close to his heart and I want to express my gratitude to him.

I urge my colleagues to support this important resolution.

I reserve the balance of my time.

Mr. DEAL of Georgia. Madam Speaker, I too rise in support of this legislation. Presently, there is no treatment for Tay-Sachs disease. But I would like to thank the National Institute of Neurological Disorders and Stroke for their efforts to reduce the burden of neurological disease. They are part of the National Institutes of Health, and they conduct research on this particular disease in laboratories at NIH, and also support additional research through grants to major medical institutions across the country.

It is important for us to understand and to become more aware of this particular problem, and that's what this legislation seeks to do. I would urge its support.

I yield back the balance of my time.

Mr. PALLONE. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. ARCURI).

Mr. ARCURI. Madam Speaker, I rise today in strong support of House Resolution 1333, which recognizes this September 2008 as Tay-Sachs Disease Awareness Month. I am proud to cosponsor this resolution, and I commend my friend from Ohio, Senator BROWN, for spearheading a companion resolution in the Senate.

Tay-Sachs Disease is a progressive neurological disorder for which there is no treatment or cure. The most common form of it affects infants who appear healthy at birth and seem to develop normally at first; but at around 6 months, symptoms of the disease begin to appear. The baby gradually begins to regress, losing the ability to crawl, turn over, sit or reach out. Eventually, as paralysis sets in, the child becomes blind, deaf and unable to swallow. Tragically, few infants born with Tay-Sachs live past the age of 5.

This terrible disease appears most often in families with no prior history because the Tay-Sachs gene can be carried through many generations without being expressed. However, when two carriers of the gene become parents, there is a 1-in-4 chance that any child they have may be born with the disease.

While about 1.2 million Americans are carriers of the Tay-Sachs gene, certain populations are at much higher risk. About 1 in 30 American Jews, 1 in 50 Irish Americans is a carrier. French Canadians, Louisiana Cajuns, Pennsylvania Dutch are high risk populations, but all populations are at risk.

It's easy to reduce this terrible disease like Tay-Sachs to statistics, but there are real human stories behind these statistics that must not be overlooked. My wife's son, Joey Deon, was born a happy, healthy and all around pleasant baby. There was no warning he would be afflicted by this terrible disease. But at the age of 1 he began to show symptoms. His mother, like many other parents of children with Tay-Sachs, was forced to watch a once active, healthy baby slowly lose his bodily functions.

□ 1700

God came to claim his angel in his sleep one day before his 5th birthday. Thankfully, he did not suffer as many with this disease do suffer.

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

Mr. PALLONE. I yield the gentleman an additional 2 minutes.

Mr. ARCURI. He did not suffer, but very often children afflicted with this disease suffer badly before death.

Madam Speaker, a simple blood test can identify carriers of the Tay-Sachs gene before they have children. But very few people, including those in high-risk populations, are aware of its

availability. This critical test can identify carrier couples before a tragedy occurs. Raising awareness of this terrible disease is important, but it is critical that we also put the words into actions.

Millions of Americans who suffer from rare diseases like Tay-Sachs and more common diseases like cancer stand to benefit from an expanded Federal commitment to stem cell research. We must also continue to increase funding for the National Institutes of Health. Federal support for cutting-edge biomedical research will make treatments and cures for diseases like Tay-Sachs a reality.

I urge my colleagues to support House Resolution 1333 and Tay-Sachs Awareness Month.

Mr. PALLONE. Madam Speaker, I have no further speakers, and I would urge support of the legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and agree to the resolution, H. Res. 1333, as amended.

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

A motion to reconsider was laid on the table.

HEALTH CARE SAFETY NET ACT OF 2008

Mr. PALLONE. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 1343) to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Health Care Safety Net Act of 2008''.

SEC. 2. COMMUNITY HEALTH CENTERS PROGRAM OF THE PUBLIC HEALTH SERVICE ACT.

(a) ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS FOR THE HEALTH CENTERS PROGRAM OF PUBLIC HEALTH SERVICE ACT.—Section 330(r) of the Public Health Service Act (42 U.S.C. 254b(r)) is amended by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—For the purpose of carrying out this section, in addition to the amounts authorized to be appropriated under subsection (d), there are authorized to be appropriated—

''(A) $2,065,000,000 for fiscal year 2008;

''(B) $2,313,000,000 for fiscal year 2009;

''(C) $2,602,000,000 for fiscal year 2010;

''(D) $2,940,000,000 for fiscal year 2011; and

''(E) $3,337,000,000 for fiscal year 2012.''.

(b) STUDIES RELATING TO COMMUNITY HEALTH CENTERS.—

(1) DEFINITIONS.—For purposes of this subsection—

(A) the term ''community health center'' means a health center receiving assistance under section 330 of the Public Health Service Act (42 U.S.C. 254b); and

(B) the term ''medically underserved population'' has the meaning given that term in such section 330.

(2) SCHOOL-BASED HEALTH CENTER STUDY.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall issue a study of the economic costs and benefits of school-based health centers and the impact on the health of students of these centers.

(B) CONTENT.—In conducting the study under subparagraph (A), the Comptroller General of the United States shall analyze—

(i) the impact that Federal funding could have on the operation of school-based health centers;

(ii) any cost savings to other Federal programs derived from providing health services in school-based health centers;

(iii) the effect on the Federal Budget and the health of students of providing Federal funds to school-based health centers and clinics, including the result of providing disease prevention and nutrition information;

(iv) the impact of access to health care from school-based health centers in rural or underserved areas; and

(v) other sources of Federal funding for school-based health centers.

(3) HEALTH CARE QUALITY STUDY.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this Act as the ''Secretary''), acting through the Administrator of the Health Resources and Services Administration, and in collaboration with the Agency for Healthcare Research and Quality, shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes agency efforts to expand and accelerate quality improvement activities in community health centers.

(B) CONTENT.—The report under subparagraph (A) shall focus on—

(i) Federal efforts, as of the date of enactment of this Act, regarding health care quality in community health centers, including quality data collection, analysis, and reporting requirements;

(ii) identification of effective models for quality improvement in community health centers, which may include models that—

(I) incorporate care coordination, disease management, and other services demonstrated to improve care;

(II) are designed to address multiple, co-occurring diseases and conditions;

(III) improve access to providers through non-traditional means, such as the use of remote monitoring equipment;

(IV) target various medically underserved populations, including uninsured patient populations;

(V) increase access to specialty care, including referrals and diagnostic testing; and

(VI) enhance the use of electronic health records to improve quality;

(iii) efforts to determine how effective quality improvement models may be adapted for implementation by community health centers that vary by size, budget, staffing, services offered, populations served, and other characteristics determined appropriate by the Secretary;

(iv) types of technical assistance and resources provided to community health centers that may facilitate the implementation of quality improvement interventions;

(v) proposed or adopted methodologies for community health center evaluations of quality improvement interventions, including any development of new measures that are tailored to safety-net, community-based providers;

(vi) successful strategies for sustaining quality improvement interventions in the long-term; and

(vii) partnerships with other Federal agencies and private organizations or networks as appropriate, to enhance health care quality in community health centers.

(C) DISSEMINATION.—The Administrator of the Health Resources and Services Administration shall establish a formal mechanism or mechanisms for the ongoing dissemination of agency initiatives, best practices, and other information that may assist health care quality improvement efforts in community health centers.

(4) GAO STUDY ON INTEGRATED HEALTH SYSTEMS MODEL FOR THE DELIVERY OF HEALTH CARE SERVICES TO MEDICALLY UNDERSERVED AND UNINSURED POPULATIONS.—

(A) STUDY.—The Comptroller General of the United States shall conduct a study on integrated health system models of at least 15 sites for the delivery of health care services to medically underserved and uninsured populations. The study shall include an examination of—

(i) health care delivery models sponsored by public or private non-profit entities that—

(I) integrate primary, specialty, and acute care; and

(II) serve medically underserved and uninsured populations; and

(ii) such models in rural and urban areas.

(B) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the study conducted under subparagraph (A). The report shall include—

(i) an evaluation of the models, as described in subparagraph (A), in—

(I) expanding access to primary, preventive, and specialty services for medically underserved and uninsured populations; and

(II) improving care coordination and health outcomes;

(III) increasing efficiency in the delivery of quality health care; and

(IV) conducting some combination of the following services—

(aa) outreach activities;

(bb) case management and patient navigation services;

(cc) chronic care management;

(dd) transportation to health care facilities;

(ee) development of provider networks and other innovative models to engage local physicians and other providers to serve the medically underserved within a community;

(ff) recruitment, training, and compensation of necessary personnel;

(gg) acquisition of technology for the purpose of coordinating care;

(hh) improvements to provider communication, including implementation of shared information systems or shared clinical systems;

(ii) determination of eligibility for Federal, State, and local programs that provide, or financially support the provision of, medical, social, housing, educational, or other related services;

(jj) development of prevention and disease management tools and processes;

(kk) translation services;

(ll) development and implementation of evaluation measures and processes to assess patient outcomes;

(mm) integration of primary care and mental health services; and

(nn) carrying out other activities that may be appropriate to a community and that would increase access by the uninsured to health care, such as access initiatives for which private entities provide non-Federal contributions to supplement the Federal funds provided through the grants for the initiatives; and

(ii) an assessment of—

(I) challenges, including barriers to Federal programs, encountered by such entities in providing care to medically underserved and uninsured populations; and

(II) advantages and disadvantages of such models compared to other models of care delivery for medically underserved and uninsured populations, including—

(aa) quality measurement and quality outcomes;

(bb) administrative efficiencies; and

(cc) geographic distribution of federally-supported clinics compared to geographic distribution of integrated health systems.

(5) GAO STUDY ON VOLUNTEER ENHANCEMENT.—

(A) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study, and submit a report to Congress, concerning the implications of extending Federal Tort Claims Act (chapter 171 of title 28, United States Code) coverage to health care professionals who volunteer to furnish care to patients of health centers.

(B) CONTENT.—In conducting the study under subparagraph (A), the Comptroller General of the United States shall analyze—

(i) the potential financial implications for the Federal Government of such an extension, including any increased funding needed for current health center Federal Tort Claims Act coverage;

(ii) an estimate of the increase in the number of health care professionals at health centers, and what types of such professionals would most likely volunteer given the extension of Federal Tort Claims Act coverage;

(iii) the increase in services provided by health centers as a result of such an increase in health care professionals, and in particular the effect of such action on the ability of health centers to secure specialty and diagnostic services needed by their uninsured and other patients;

(iv) the volume of patient workload at health centers and how volunteer health care professionals may help address the patient volume;

(v) the most appropriate manner of extending such coverage to volunteer health care professionals at health centers, including any potential difference from the mechanism currently used for health care professional volunteers at free clinics;

(vi) State laws that have been shown to encourage physicians and other health care providers to provide charity care as an agent of the State; and

(vii) other policies, including legislative or regulatory changes, that have the potential to increase the number of volunteer health care staff at health centers and the financial implications of such policies, including the cost savings associated with the ability to provide more services in health centers rather than more expensive sites of care.

(c) RECOGNITION OF HIGH POVERTY.—

(1) IN GENERAL.—Section 330(c) of the Public Health Service Act (42 U.S.C. 254b(c)) is amended by adding at the end the following new paragraph:

''(3) RECOGNITION OF HIGH POVERTY.—

''(A) IN GENERAL.—In making grants under this subsection, the Secretary may recognize the unique needs of high poverty areas.

''(B) HIGH POVERTY AREA DEFINED.—For purposes of subparagraph (A), the term 'high poverty area' means a catchment area which is established in a manner that is consistent with the factors in subsection (k)(3)(J), and the poverty rate of which is greater than the national average poverty rate as determined by the Bureau of the Census.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to grants made on or after January 1, 2009.

SEC. 3. NATIONAL HEALTH SERVICE CORPS.

(a) FUNDING.—

(1) REAUTHORIZATION OF NATIONAL HEALTH SERVICE CORPS PROGRAM.—Section 338(a) of the Public Health Service Act (42 U.S.C. 254k(a)) is amended by striking ''2002 through 2006'' and inserting ''2008 through 2012''.

(2) SCHOLARSHIP AND LOAN REPAYMENT PROGRAMS.—Subsection (a) of section 338H of such Act (42 U.S.C. 254q) is amended by striking ''appropriated $146,250,000'' and all that follows through the period and inserting the following: ''appropriated—

''(1) for fiscal year 2008, $131,500,000;

''(2) for fiscal year 2009, $143,335,000;

''(3) for fiscal year 2010, $156,235,150;

''(4) for fiscal year 2011, $170,296,310; and

''(5) for fiscal year 2012, $185,622,980.''.

(b) ELIMINATION OF 6-YEAR DEMONSTRATION REQUIREMENT.—Section 332(a)(1) of the Public Health Service Act (42 U.S.C. 254e(a)(1)) is amended by striking ''Not earlier than 6 years'' and all that follows through ''purposes of this section.''.

(c) ASSIGNMENT TO SHORTAGE AREA.—Section 333(a)(1)(D)(ii) of the Public Health Service Act (42 U.S.C. 254f(a)(1)(D)(ii)) is amended—

(1) in subclause (IV), by striking ''and'';

(2) in subclause (V), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(VI) the entity demonstrates willingness to support or facilitate mentorship, professional development, and training opportunities for Corps members.''.

(d) PROFESSIONAL DEVELOPMENT AND TRAINING.—Subsection (d) of section 336 of the Public Health Service Act (42 U.S.C. 254h–1) is amended to read as follows:

''(d) PROFESSIONAL DEVELOPMENT AND TRAINING.—

''(1) IN GENERAL.—The Secretary shall assist Corps members in establishing and maintaining professional relationships and development opportunities, including by—

''(A) establishing appropriate professional relationships between the Corps member involved and the health professions community of the geographic area with respect to which the member is assigned;

''(B) establishing professional development, training, and mentorship linkages between the Corps member involved and the larger health professions community, including through distance learning, direct mentorship, and development and implementation of training modules designed to meet the educational needs of offsite Corps members;

''(C) establishing professional networks among Corps members; or

''(D) engaging in other professional development, mentorship, and training activities for Corps members, at the discretion of the Secretary.

''(2) ASSISTANCE IN ESTABLISHING PROFESSIONAL RELATIONSHIPS.—In providing such assistance under paragraph (1), the Secretary shall focus on establishing relationships with hospitals, with academic medical centers and health professions schools, with area health education centers under section 751, with health education and training centers under section 752, and with border health education and training centers under such section 752. Such assistance shall include assistance in obtaining faculty appointments at health professions schools.

''(3) SUPPLEMENT NOT SUPPLANT.—Such efforts under this subsection shall supplement, not supplant, non-government efforts by professional health provider societies to establish and maintain professional relationships and development opportunities.''.

(e) ELIGIBILITY OF THE DISTRICT OF COLUMBIA AND TERRITORIES FOR THE STATE LOAN REPAYMENT PROGRAM.—

(1) IN GENERAL.—Section 338I(h) of the Public Health Service Act (42 U.S.C. 254q–1(h)) is amended by striking ''several States'' and inserting ''50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, Palau, the Marshall Islands, and the Commonwealth of the Northern Mariana Islands''.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 338I(i)(1) of such Act (42 U.S.C. 254q–1(i)(1)) is amended by striking ''2002'' and all that follows through the period and inserting ''2008, and such sums as may be necessary for each of fiscal years 2009 through 2012.''.

SEC. 4. REAUTHORIZATION OF RURAL HEALTH CARE PROGRAMS.

Section 330A(j) of the Public Health Service Act (42 U.S.C. 254c(j)) is amended by striking ''$40,000,000'' and all that follows through the period and inserting ''$45,000,000 for each of fiscal years 2008 through 2012.''.

SEC. 5. REAUTHORIZATION OF PRIMARY DENTAL HEALTH WORKFORCE PROGRAMS.

Section 340G(f) of the Public Health Service Act (42 U.S.C. 256g(f)) is amended—

(1) by striking ''$50,000,000'' and inserting ''$25,000,000''; and

(2) by striking ''2002'' and inserting ''2008''.

SEC. 6. EMERGENCY RESPONSE COORDINATION OF PRIMARY CARE PROVIDERS.

(a) IN GENERAL.—Subtitle B of title XXVIII of the Public Health Service Act (42 U.S.C. 300hh–10 et seq.) is amended by adding at the end the following:

''SEC. 2815. EMERGENCY RESPONSE COORDINATION OF PRIMARY CARE PROVIDERS.

''The Secretary, acting through Administrator of the Health Resources and Services Administration, and in coordination with the Assistant Secretary for Preparedness and Response, shall

''(1) provide guidance and technical assistance to health centers funded under section 330 and to State and local health departments and emergency managers to integrate health centers into State and local emergency response plans and to better meet the primary care needs of populations served by health centers during public health emergencies; and

''(2) encourage employees at health centers funded under section 330 to participate in emergency medical response programs including the National Disaster Medical System authorized in section 2812, the Volunteer Medical Reserve Corps authorized in section 2813, and the Emergency System for Advance Registration of Health Professions Volunteers authorized in section 319I.''.

(b) SENSE OF THE CONGRESS.—It is the Sense of Congress that the Secretary of Health and Human Services, to the extent permitted by law, utilize the existing authority provided under the Federal Tort Claims Act for health centers funded under section 330 of the Public Health Service Act (42 U.S.C. 254b) in order to establish expedited procedures under which such health centers and their health care professionals that have been deemed eligible for Federal Tort Claims Act coverage are able to respond promptly in a coordinated manner and on a temporary basis to public health emergencies outside their traditional service area and sites, and across State lines, as necessary and appropriate.

SEC. 7. REVISION OF THE TIMEFRAME FOR THE RECOGNITION OF CERTAIN DESIGNATIONS IN CERTIFYING RURAL HEALTH CLINICS UNDER THE MEDICARE PROGRAM.

(a) IN GENERAL.—The second sentence of section 1861(aa)(2) of the Social Security Act (42 U.S.C. 1395x(aa)(2)) is amended by striking ''3-year period'' and inserting ''4-year period'' in the matter in clause (i) preceding subclause (I).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Georgia (Mr. DEAL) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

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

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

There was no objection.

Mr. PALLONE. Madam Speaker, I yield 3 minutes to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Madam Speaker, I want to thank the chairman of our Health Subcommittee of the Energy and Commerce for his patience with me over the last year and a half, and I think I sometimes wear out my welcome on hearings and on moving this bill. I rise in strong support of H.R. 1343, the Health Centers Renewal Act of 2008.

I would first like to thank Senator KENNEDY and Senator HATCH for sponsoring and moving this reauthorization through the Senate, and also our fellow Energy and Commerce Committee member CHIP PICKERING for his work on this bill and his service to both his State of Mississippi and our country.

The Community Health Centers Program is one of the great health care successes of our country. Forty years after the program was first enacted at the urging of President Lyndon Johnson, health centers are located in 6,000 sites in all 50 States and serve as the medical home and family physician to 17 million people in medically underserved areas nationally.

Community health centers have helped fill the medical void for low-income and uninsured individuals and in 2006, community health centers provided care for over 700,000 Texans. But communities like my district in Houston are in dire need of more community health centers. Houston has approximately 1 million uninsured, but only 10 federally qualified health centers and is desperately in need of more community health centers.

We are not the only district in the country facing a medical crisis with the uninsured and underinsured.

The Health Centers Renewal Act of 2008 will reauthorize the Health Centers Program and provide over $2 billion a year for health community centers throughout the United States. This increased funding will allow more medically underserved communities to build new health centers, expand their health centers, and provide more services like dental and mental health care. In fact, this bill would allow health centers to expand their services to over 22 million patients in the next 5 years, which is almost 50 percent more than they serve today. That's exactly why every Member of this House should support this bill.

Community health centers have demonstrated time and again that if properly funded by Congress, they can meet the Nation's tremendous need for quality, affordable health care. Community health centers are a vital safety net for the uninsured and underinsured in the country. With nearly 40 million uninsured and a health care crisis in our country right now, it would almost be irresponsible for anyone to vote against this bill.

I thank you for this time.

Mr. DEAL of Georgia. Madam Speaker, I, too, rise in support of this legislation and would like to yield such time as he may consume to the gentleman from Pennsylvania (Mr. TIM MURPHY) who was one of the active members of the Subcommittee on Health and Commerce from which this bill originally came.

Mr. TIM MURPHY of Pennsylvania. I thank Ranking Member DEAL, also Chairman PALLONE and Ranking Member BARTON and Chairman DINGELL for their work on this bill, but particularly to Representative GENE GREEN, the cosponsor of this legislation, for his hard work and commitment and also really for the teamwork that he engineered with the committee to work on this.

There are about 1,100 community health centers that employ about 6,000 physicians. They provide critically affordable primary care to more than 16 million people nationwide. It is important to note when people toss about numbers of the number of uninsured in America, and many of those uninsured are extra covered by Medicaid, many by their private plans; but these 16 million people we agree really are uninsured folks in America, and the community health centers are a place where they can have a quality health care home.

When we note that what happens with community health centers, what they provide in terms of primary care, dental care, podiatry, mental health care, and so many other areas that provide care, particularly in prenatal, it is of great concern that there simply are not enough physicians and other health care providers to give that care.

The greatest vacancy rates are in rural and inner city health centers where their vacancy rates range between 19 and 29 percent of the current workforce. These are shortages of physicians, nurse practitioners, physicians assistants, midwives, dentists; and all of those are open because the community health centers simply do not have the money to pay for all of those employees.

What I'm disappointed about in this bill—and I know Congressman GREEN worked very hard, as did Congressman DEAL to keep this in here—is the idea that we cannot let physicians volunteer at these centers. I know we're all jointly disappointed because the community health centers, if they were able to have physicians volunteer at these centers, they could be covered by the Federal Torts Claim Act. Otherwise, they have to rely on paying their own malpractice insurance, which could run tens of thousands, if not well over $100,000, and community health centers cannot afford to cover that cost. The legislation I offered would have allowed Good Samaritan doctors to volunteer their time helping those in need.

We have to come back to this next year because in the meantime, many people without health insurance, or who are underinsured, rely upon community health centers for a whole host of their care. I look forward to working with my House and Senate colleagues in the future to ensure that legislation allowing doctors, nurses, psychologists, and other specialists to volunteer their time at community health centers. We must make that a law in order to provide care for so many people who need it at, I might add, a very, very low cost.

Again, I thank Chairman DINGELL, Ranking Member BARTON, Chairman PALLONE, Ranking Member DEAL, and Representative GREEN for their hard work on this bill. Their impassioned teamwork to help provide care to those most in need is to be applauded.

Mr. PALLONE. Madam Speaker, I will reserve my time.

Mr. DEAL of Georgia. Madam Speaker, I have a speaker who will appear shortly. He was here just a second ago.

In the meantime, I would use the time to simply thank Mr. GREEN as the lead sponsor of this legislation. He's done an excellent job. He did work across party lines, and I thought we had a good product that came out of our Health Subcommittee and our entire committee and came from the floor of this House. I think it's important that we do that on bills of this nature.

I would like to also thank, in addition to Mr. MURPHY who's spoken on the Volunteer Doctors provision, Ms. DEGETTE who was interested in that as well. Unfortunately, that provision, along with a provision that Congressman BURGESS and Congressman STUPAK had for some alternative ways of providing additional care under the community health center model, which we had included in our bill on the House side, was not agreed to by our colleagues across the way.

However, the legislation before us today does require three GAO studies to look at all of the issues which we had originally addressed in the legislation that came from the House. Hopefully those GAO studies will confirm the wisdom of the House of including those provisions in the initial bill, and I look forward to seeing the results of those studies and perhaps our ability to revisit this issue of community health centers because I, too, believe that one of the ways we can accomplish greater access is to provide volunteer doctors with Federal tort claims protections so that they can use their services and their talents in community health centers which have a very difficult time attracting doctors in many of the rural areas, in particular.

I rise today in support of H.R. 1343, the "Health Centers Renewal Act," a critical piece

of legislation which will reauthorize Community Health Centers and the National Health Service Corps. Community Health Centers provide a fundamental element of our healthcare delivery system in our nation, providing much needed care for uninsured or under-insured individuals seeking very low cost healthcare services. These centers have, and continue to, impact communities across our country and provide a critical safety net for care for thousands of Americans every year. With nearly 47 million Americans living without health insurance, traditional pay-for services have become prohibitively expensive for many. With no remaining option for even the most basic healthcare services, our emergency rooms are being overwhelmed. Community Health Centers step in to fill that gap, relieving the strain on hospital emergency rooms which cost exorbitantly more to operate and are pressed beyond capacity.

H.R. 1343 reauthorizes Community Health Centers for five years while seeking to improve the access to, and quality of, services available under this program throughout the nation. This legislation requires the Government Accountability Office to conduct three studies, all of which will evaluate mechanisms through which the health center program can do more for our communities. First, GAO will evaluate the incorporation of integrated health systems as a model for improving the access to care for medically underserved populations. Second, GAO will also study the effects of implementing policies which would establish school-based health centers. Finally, this legislation will evaluate the potential benefits which could be achieved by extending federal liability protections to healthcare practitioners to encourage participation in Community Health Centers, both in their community as well as additional areas ravaged by hurricanes, earthquakes, floods, or other disaster situations. In light of the devastation in the Gulf Coast region just a few years ago, our healthcare delivery system was put to the ultimate test. Thousands upon thousands of victims were affected. While physicians and other healthcare professionals were ready and willing to answer the call to serve, concerns regarding medical liability turned them away from their call to service. This is an apparent problem an Congress must address this issue to avoid a repeat of this unfortunate situation in the future.

I believe this legislation represents a reasonable compromise, reflecting the priorities of the House, Senate, and healthcare industry, and provides much-needed reauthorization to this critical component of our nation's healthcare infrastructure. I would also like to express my appreciation to the National Association of Community Health Centers for working so well with House and Senate staff in order to craft this legislation before us today. Again, I am pleased to see this legislation on the floor today, and I encourage all of my colleagues to support this critical reauthorization of Community Health Centers.

At this time, I would like to yield to the gentleman from Mississippi, who is a member of this committee, who also has worked on this legislation, for such time as he may consume, Mr. PICKERING.

Mr. PICKERING. Thank you, Mr. DEAL, the gentleman from Georgia. I want to thank him for his leadership of the subcommittee as the ranking member and previously as the chairman of the subcommittee. I want to thank Congressman GENE GREEN for his work as we did work together in a bipartisan fashion, all the committee staff.

As I come close to the end of my service in Congress, I can think of no better thing to go out on as the reauthorization, the expansion, and the funding, and modernization of the community health centers for what they do to create healthy communities and strong communities and to help the families most in need in our States and districts back home and in small towns and cities.

I know from Mississippi, community health centers have made a tremendous difference after Katrina and getting those who were evacuated after a disaster the help, but more importantly, every day those mothers and the elderly and the low income who otherwise would not have the best care and affordable, accessible means. Community health centers have played a vital role to my home State of Mississippi, and I'm very proud to be a part of this reauthorization and to see it done before we leave this session.

I want to thank Mary Martha Henson for her tremendous work on this, as well as the other staff.

Mr. DEAL of Georgia. I have no further speakers on the floor, and I yield back the balance of my time.

Mr. PALLONE. Madam Speaker, I yield 30 seconds to the gentleman from Texas.

Mr. GENE GREEN of Texas. Madam Speaker, I'm glad that we have a member of our Energy and Commerce Committee in the chair, and this is a great example of working together. I know my colleagues, both from Mississippi but also from Pennsylvania, we worked on other issues in this bill, and I would be more than happy to see what we can do next Congress.

But this way, we have a reauthorization of the community health centers, and we can always improve on them and look forward to working with them again, bipartisan, across the aisle, because all of us look forward to expanding health centers for our community.

Mr. PALLONE. Madam Speaker, I have no further requests for time. I would urge my colleagues on both sides of the aisle to support this critically important measure that will help ensure that all Americans have access to quality health care.

Mr. SHAYS. Madam Speaker, I strongly support the Health Centers Renewal Act, which will reauthorize the community health center program for five years and increase the program's funding. This continues the strong commitment we have shown to these centers over the past five years.

During the last reauthorization, this Administration has sought to double the amount of people receiving care through community health centers, from 10 million to 20 million.

Already, over 17 million individuals are receiving quality care, and half of these individuals are uninsured. So of our 46 million uninsured, nearly 8 million are receiving care from these centers.

By preventing costly hospitalizations and reducing the use of emergency care for routine services, it is estimated community clinics save the health care system over $6 billion annually.

I strongly support passage of this legislation so community health centers can continue providing high-quality, cost-effective care. I urge my colleagues to vote for this bill.

Mr. PALLONE. I yield back my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 1343.

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

A motion to reconsider was laid on the table.

MAKING A TECHNICAL CORRECTION IN THE NET 911 IMPROVEMENT ACT OF 2008

Mr. PALLONE. Madam Speaker, I ask unanimous consent that the Committee on Energy and Commerce be discharged from further consideration of the bill (H.R. 6946) to make a technical correction in the NET 911 Improvement Act of 2008, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

H.R. 6946

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TECHNICAL CORRECTION.

(a) AMENDMENT.—Section 6(c)(1)(C) of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a–1(c)(1)(C)) is amended by striking ''paragraph (2)'' and inserting ''paragraph (3)''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of July 23, 2008, immediately after the enactment of the NET 911 Improvement Act of 2008 (Public Law 110–283).

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1715

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.R. 1014, de novo;

H.R. 6950, de novo;

H. Res. 1421, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

HEART FOR WOMEN ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 1014, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 1014, 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.

RECORDED VOTE

Mr. DEAL of Georgia. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 418, noes 4, not voting 11, as follows:

[Roll No. 642]

AYES—418

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
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
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—4

Broun (GA)
Flake
Gingrey
Paul

NOT VOTING—11

Abercrombie
Brown, Corrine
Cannon
Cubin
Davis, David
Edwards (MD)
Frank (MA)
Lewis (KY)
Miller (FL)
Shuler
Simpson

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 1½ minutes remaining in this vote.

□ 1742

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

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

STEPHANIE TUBBS JONES GIFT OF LIFE MEDAL ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 6950.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Wisconsin (Ms. MOORE) that the House suspend the rules and pass the bill, H.R. 6950.

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. HASTINGS of Florida. 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 420, nays 1, not voting 12, as follows:

[Roll No. 643]

YEAS—420

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
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
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling

Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
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
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—12

Brown, Corrine
Buyer
Cannon
Cubin
Davis, David
Edwards (MD)
Frank (MA)
Lewis (KY)
Miller (FL)
Shuler
Simpson
Walsh (NY)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1750

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.

PERSONAL EXPLANATION

Ms. CORRINE BROWN of Florida. Madam Speaker, on rollcall No. 642, had I been present, I would have voted "aye." On rollcall No. 643, I would have voted "yea."

PERSONAL EXPLANATION

Ms. EDWARDS of Maryland. Madam Speaker, on rollcall No. 642, had I been present, I would have voted "aye." On rollcall No. 643, I would have voted "yea."

SOLEMNLY COMMEMORATING THE 25TH ANNIVERSARY OF THE TRAGIC OCTOBER 1983 TERRORIST BOMBING OF THE UNITED STATES MARINE CORPS BARRACKS IN BEIRUT, LEBANON

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1421, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Kansas (Mrs. BOYDA) that the House suspend the rules and agree to the resolution, H. Res. 1421, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 414, nays 0, not voting 19, as follows:

[Roll No. 644]

YEAS—414

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
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, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
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
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
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
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher

Taylor	Visclosky	Weller
Terry	Walberg	Westmoreland
Thompson (CA)	Walden (OR)	Wexler
Thompson (MS)	Walz (MN)	Whitfield (KY)
Thornberry	Wamp	Wilson (NM)
Tiahrt	Wasserman Schultz	Wilson (OH)
Tiberi	Waters	Wilson (SC)
Towns	Watson	Wittman (VA)
Tsongas	Watt	Wolf
Turner	Waxman	Woolsey
Udall (CO)	Weiner	Wu
Udall (NM)	Welch (VT)	Yarmuth
Upton	Weldon (FL)	Young (AK)
Van Hollen		Young (FL)

NOT VOTING—19

Cannon	Hensarling	Speier
Capps	Hobson	Stark
Cubin	Klein (FL)	Tierney
Davis, David	Lewis (KY)	Velázquez
Dicks	Miller (FL)	Walsh (NY)
Gingrey	Shuler	
Gutierrez	Simpson	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1801

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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 additional 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.

TRAVEL PROMOTION ACT OF 2008

Mr. RUSH. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3232) to establish a non-profit corporation to communicate United States entry policies and otherwise promote tourist, business, and scholarly travel to the United States, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3232

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Travel Promotion Act of 2008''.

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

Sec. 1. Short title; table of contents.
Sec. 2. The Corporation for Travel Promotion.
Sec. 3. Accountability measures.
Sec. 4. Matching public and private funding.
Sec. 5. Travel Promotion Fund fees.
Sec. 6. Investment of Funds.
Sec. 7. Prohibition on use of funds.
Sec. 8. Amendments to the International Travel Act of 1961.
Sec. 9. Definitions.
Sec. 10. G.A.O. study

SEC. 2. THE CORPORATION FOR TRAVEL PROMOTION.

(a) ESTABLISHMENT.—The Corporation for Travel Promotion is established as a nonprofit corporation. The Corporation shall not be an agency or establishment of the United States Government. The Corporation shall be subject to the provisions of the District of Columbia Nonprofit Corporation Act (sec. 29–301.01 et seq., D.C. Official Code), to the extent that such provisions are consistent with this section, and shall have the powers conferred upon a nonprofit corporation by that Act to carry out its purposes and activities.

(b) BOARD OF DIRECTORS.—

(1) IN GENERAL.—The Corporation shall have a board of directors of 15 members, appointed by the Secretary of Commerce, but not before consultation with the Secretaries of Homeland Security, State, and Education, as appropriate, each of whom is a United States citizen, and of whom—

(A) one shall have appropriate expertise and experience in the hotel accommodations sector;

(B) one shall have appropriate expertise and experience in the restaurant sector;

(C) one shall have appropriate expertise and experience in the retail sector, or in associations representing that sector;

(D) one shall have appropriate expertise and experience in the small business sector, or in associations representing that sector;

(E) one shall have appropriate expertise and experience in the advertising sector;

(F) one shall have appropriate expertise and experience in the attractions sector;

(G) one shall have appropriate expertise and experience in the recreation sector;

(H) one shall have appropriate expertise and experience in the research, development, or manufacturing sector;

(I) one shall have appropriate expertise and experience in the financial services sector;

(J) one shall have appropriate expertise and experience in the passenger air sector;

(K) one shall have appropriate expertise and experience in the car rental sector;

(L) one shall have appropriate expertise and experience as an official at the state and municipal level, or in associations of such officials;

(M) one shall have appropriate expertise and experience in the higher education sector and in coordinating international scholarly conferences in the United States;

(N) one shall have appropriate expertise and experience in immigration law and policy, including visa requirements and United States entry procedures; and

(O) one shall have appropriate expertise in matters relating to homeland security policy, including border and travel security and facilitation programs.

(2) INCORPORATION.—The members of the initial board of directors shall serve as incorporators and shall take whatever actions are necessary to establish the Corporation under the District of Columbia Nonprofit Corporation Act (sec. 29–301.01 et seq.).

(3) TERM OF OFFICE.—The term of office of each member of the board appointed by the Secretary shall be 3 years, except that, of the members first appointed—

(A) 3 shall be appointed for terms of 1 year;

(B) 4 shall be appointed for terms of 2 years; and

(C) 4 shall be appointed for terms of 3 years.

(4) VACANCIES.—Any vacancy in the board shall not affect its power, but shall be filled in the manner required by this section. Any member whose term has expired may serve until the member's successor has taken office, or until the end of the calendar year in which the member's term has expired, whichever is earlier. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which that member's predecessor was appointed shall be appointed for the remainder of the predecessor's term. No member of the board shall be eligible to serve more than 2 consecutive full terms.

(5) ELECTION OF CHAIRMAN AND VICE CHAIRMAN.—Members of the board shall annually elect one of their members to be chairman and elect 1 or more of their members as a vice chairman or vice chairmen.

(6) STATUS AS FEDERAL EMPLOYEES.—Notwithstanding any provision of law to the contrary, no member of the board may be considered to be a Federal employee of the United States by virtue of his or her service as a member of the board.

(7) COMPENSATION; EXPENSES.—No member of the board shall receive any compensation from the Federal Government or the Corporation by virtue of his or her service as a member of the board. Each member of the board shall be paid actual travel expenses and per diem in lieu of subsistence expenses when away from his or her usual place of residence, in accordance with section 5703 of title 5, United States Code.

(c) OFFICERS AND EMPLOYEES.—

(1) IN GENERAL.—The Corporation shall have a President, and such other officers as may be named and appointed by the board for terms and at rates of compensation fixed by the board. No individual other than a citizen of the United States may be an officer of the Corporation. The corporation may hire and fix the compensation of such employees as may be necessary to carry out its purposes. No officer or employee of the Corporation may receive any salary or other compensation (except for compensation for services on boards of directors of other organizations that do not receive funds from the Corporation, on committees of such boards, and in similar activities for such organizations) from any sources other than the Corporation for services rendered during the period of his or her employment by the Corporation. Service by any officer on boards of directors of other organizations, on committees of such boards, and in similar activities for such organizations shall be subject to annual advance approval by the board and subject to the provisions of the Corporation's Statement of Ethical Conduct. All officers and employees shall serve at the pleasure of the board.

(2) NONPOLITICAL NATURE OF APPOINTMENT.—No political test or qualification shall be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, or employees of the Corporation.

(d) NONPROFIT AND NONPOLITICAL NATURE OF CORPORATION.—

(1) STOCK.—The Corporation shall have no power to issue any shares of stock, or to declare or pay any dividends.

(2) PROFIT.—No part of the income or assets of the Corporation shall inure to the benefit of any director, officer, employee, or any other individual except as salary or reasonable compensation for services.

(3) POLITICS.—The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

(4) SENSE OF CONGRESS REGARDING LOBBYING ACTIVITIES.—It is the sense of Congress that the Corporation established under this Act should not engage in any lobbying activities with any employee or branch of the Federal Government in favor of or in opposition to any political issue.

(e) DUTIES AND POWERS.—

(1) IN GENERAL.—The Corporation shall develop and execute a plan to—

(A) provide useful information to foreign tourists, business people, students, scholars, scientists and others interested in traveling

to the United States, including the distribution of material provided by the Federal Government concerning entry requirements, required documentation, fees, and processes, to prospective travelers, travel agents, tour operators, meeting planners, foreign governments, travel media and other international stakeholders;

(B) identify and address perceptions in other countries regarding United States entry policies that tend to limit attempts to travel to the United States;

(C) maximize the economic and diplomatic benefits of travel to the United States by promoting the United States of America to world travelers through the use of, but not limited to, all forms of advertising, outreach to trade shows, and other appropriate promotional activities; and

(D) identify opportunities and strategies to promote tourism to rural and urban areas equally.

(2) SPECIFIC POWERS.—In order to carry out the purposes of this section, the Corporation may—

(A) obtain grants from and make contracts with individuals and private companies, State, and Federal agencies, organizations, and institutions;

(B) hire or accept the voluntary services of consultants, experts, advisory boards, and panels to aid the Corporation in carrying out its purposes; and

(C) take such other actions as may be necessary to accomplish the purposes set forth in this section.

(f) OPEN MEETINGS.—Meetings of the board of directors of the Corporation, including any committee of the board, shall be open to the public. The board may, by majority vote, close any such meeting only for the time necessary to preserve the confidentiality of commercial or financial information that is privileged or confidential, to discuss personnel matters, or to discuss legal matters affecting the Corporation, including pending or potential litigation.

(g) MAJOR CAMPAIGNS.—The board may not authorize the Corporation to obligate or expend more than $25,000,000 on any advertising campaign, promotion, or related effort unless—

(1) the obligation or expenditure is approved by an affirmative vote of at least ⅔ of the members of the board present at the meeting;

(2) at least 8 members of the board are present at the meeting at which it is approved; and

(3) each member of the board has been given at least 3 days advance notice of the meeting at which the vote is to be taken and the matters to be voted upon at that meeting.

(h) FISCAL ACCOUNTABILITY.—

(1) FISCAL YEAR.—The Corporation shall establish as its fiscal year the 12-month period beginning on October 1.

(2) BUDGET.—The Corporation shall adopt a budget for each fiscal year.

(3) ANNUAL AUDITS.—The Corporation shall engage an independent accounting firm to conduct an annual financial audit of the Corporation's operations and shall publish the results of the audit.

SEC. 3. ACCOUNTABILITY MEASURES.

(a) OBJECTIVES.—The Board shall establish annual objectives for the Corporation for each fiscal year subject to approval by the Secretary, in consultation with the Secretary of Homeland Security and the Secretary of State. The Corporation shall establish a marketing plan for each fiscal year not less than 60 days before the beginning of that year and provide a copy of the plan, and any revisions thereof, to the Secretary.

(b) BUDGET.—The board shall transmit a copy of the Corporation's budget for the forthcoming fiscal year to the Secretary not less than 60 days before the beginning of each fiscal year, together with an explanation of any expenditure provided for by the budget in excess of $5,000,000 for the fiscal year. The Corporation shall make a copy of the budget and the explanation available to the public and shall provide public access to the budget and explanation on the Corporation's website.

(c) ANNUAL REPORT TO CONGRESS.—The Corporation shall submit an annual report for the preceding fiscal year to the Secretary of Commerce and the Secretary of Homeland Security for transmittal to Congress on or before the 15th day of May of each year. The report shall include—

(1) a comprehensive and detailed report of the Corporation's operations, activities, financial condition, and accomplishments under this Act;

(2) a comprehensive and detailed inventory of amounts obligated or expended by the Corporation during the preceding fiscal year;

(3) a detailed description of each in-kind contribution, its fair market value, the individual or organization responsible for contributing, its specific use, and a justification for its use within the context of the Corporation's mission;

(4) an objective and quantifiable measurement of its progress, on an objective-by-objective basis, in meeting the objectives established by the board;

(5) an explanation of the reason for any failure to achieve an objective established by the board, and any revisions or alterations to the Corporation's objectives under subsection (a);

(6) a comprehensive and detailed report of the Corporation's operations and activities to promote tourism in rural and urban areas; and

(7) such recommendations as the Corporation deems appropriate.

SEC. 4. MATCHING PUBLIC AND PRIVATE FUNDING.

(a) ESTABLISHMENT OF TRAVEL PROMOTION FUND.—There is hereby established in the Treasury a fund which shall be known as the ''Travel Promotion Fund''.

(b) FUNDING.—

(1) FIRST YEAR.—For fiscal year 2009, the Secretary of the Treasury, not earlier than October 1, 2008, and not before the Secretary has appointed all members of the Corporation's board of directors, may transfer to the Corporation such sums as may be necessary, but not to exceed $10,000,000, subject to the availability of appropriations to carry out this section to cover its initial expenses and activities under this Act. At the earliest practicable date, the Corporation shall reimburse the Treasury any such amounts borrowed from the Treasury, with at least 50 percent reimbursed before October 1, 2011, and the remainder reimbursed before October 1, 2013. Reimbursement shall include interest at a rate determined by the Treasury taking into consideration current market yields on outstanding Treasury securities of comparable maturities and including any additional charges determined by the Secretary of the Treasury to cover any probable losses and reasonable administrative costs. The Secretary of the Treasury shall determine and assess penalties to be applied for late payments of principal or interest and other Federal credit terms designed to minimize Federal exposure to loss, consistent with the Federal Credit Reform Act and other applicable Federal credit policies.

(2) SUBSEQUENT YEARS.—For each of fiscal years 2010 through 2013, from amounts deposited in the general fund of the Treasury during the preceding fiscal year from fees under section 5, the Secretary of the Treasury shall transfer not more than $100,000,000 to the Fund, which shall be made available to the Corporation, subject to subsections (c), (d), and (e), to carry out its functions under this Act. Transfers shall be made by the Secretary of the Treasury at least quarterly on the basis of estimates by the Secretary of the Treasury, determined in consultation with the Board, of contributions made to the Corporation by non-Federal sources, and proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess or less than actual contributions from non-Federal sources.

(c) MATCHING REQUIREMENT.—

(1) IN GENERAL.—The Secretary of the Treasury shall make available to the Corporation from amounts available in the Travel Promotion Fund—

(A) for fiscal year 2010, twice the amount that will be collected from non-Federal sources by the Corporation pursuant to section 4(b)(2) of this Act and not to exceed $100,000,000; and

(B) for subsequent fiscal years, an amount equal to the amount that will be collected from non-Federal sources by the Corporation pursuant to section 4(b)(2) of this Act and not to exceed $100,000,000.

(2) GOODS AND SERVICES.—For the purpose of determining the amount of matching funds, other than money, available to the Corporation—

(A) the fair market value, as determined by the Corporation, of goods and services (including advertising) contributed to the Corporation for use under this Act may be included in the determination; but

(B) the fair market value of such goods and services may not account for more than 65 percent of the matching requirement for the Corporation in any fiscal year.

(3) RIGHT OF REFUSAL.—The Corporation may decline to accept any contribution in kind that it determines to be inappropriate, not useful, or commercially worthless.

(d) GRANT OFFSET.—For a given fiscal year, the Secretary of the Treasury shall reduce the total amount of funding to be transferred to the Corporation from the Travel Promotion Fund by the amount of grants received by the Corporation pursuant to section 2(e)(2)(A) to be used during that fiscal year.

(e) LIMITATION.—The Corporation shall not expend funds or obligate to expend funds that will exceed total amounts received by the Corporation for a given fiscal year.

SEC. 5. TRAVEL PROMOTION FUND FEES.

Section 217(h)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)) is amended—

(1) in clause (i), by striking ''; and'' and inserting a semicolon;

(2) in clause (ii), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(iii) set for an amount that includes an additional amount of not less than $10 above the amount set under clause (i).

The additional amount required under clause (iii) shall be transferred to the Treasury for the purpose of offsetting appropriations made to the Corporation for Travel Promotion established in section 2 of the Travel Promotion Act of 2008, according to the requirements of section 4 of such Act. Such additional amount may be reduced if the secretary of the Treasury determines that the additional amount is not necessary to ensure that the Corporation is fully funded.''.

SEC. 6. INVESTMENT OF FUNDS.

Pending disbursement pursuant to a program, plan, or project, the Corporation may invest funds received by the Corporation only in obligations of the United States or any agency thereof, in general obligations of

any State or any political subdivision thereof, in any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System, or in obligations fully guaranteed as to principal and interest by the United States. The Secretary of the Treasury shall reduce the total amount of funding for a given fiscal year to be transferred from the Travel Promotion Fund to the Corporation by the amount of interest earned by the Corporation as a result of its investments pursuant to this section for the preceding fiscal year.

SEC. 7. PROHIBITION ON USE OF FUNDS.

No funds raised by the Treasury Department's Travel Promotion Fund or the Corporation for Travel Promotion may be used to directly promote or advertise a specific corporation.

SEC. 8. AMENDMENTS TO THE INTERNATIONAL TRAVEL ACT OF 1961.

(a) POWERS AND DUTIES OF SECRETARY OF COMMERCE.—Section 201 of the International Travel Act of 1961 (22 U.S.C. 2122) is amended—

(1) in the first sentence of the matter preceding paragraph (1)—

(A) by striking ''and by the United States National Tourism Organization Act of 1996''; and

(B) by striking ''United States National Tourism Organization'' and inserting ''Corporation for Travel Promotion (established by section 3 of the Travel Promotion Act of 2008)'';

(2) in paragraph (4), by striking ''United States National Tourism Organization'' and inserting ''Corporation for Travel Promotion''; and

(3) by adding at the end the following:

''Such plan may not include a comprehensive international advertising campaign relating to critical tourism functions.''.

(b) TOURISM POLICY COUNCIL.—

(1) MEMBERSHIP.—Subsection (b) of section 301 of the International Travel Act of 1961 (22 U.S.C. 2124) is amended—

(A) by striking paragraphs (8) through (10);

(B) by redesignating paragraph (11) as paragraph (13);

(C) by inserting after paragraph (7) the following new paragraphs:

''(8) The Secretary of Homeland Security.

''(9) The Commissioner of U.S. Customs and Border Protection of the Department of Homeland Security.

''(10) The Assistant Secretary of U.S. Customs and Immigration Enforcement of the Department of Homeland Security.

''(11) The Secretary of Education.''; and

(D) in paragraph (13) (as redesignated by subparagraph (B) of this paragraph), by inserting '', in consultation with other members of the Council'' at the end before the period.

(2) MEETINGS.—Subsection (d) of such section is amended to read as follows:

''(d) The Council shall meet not less than 2 times a year. For the purposes of conducting business, each member of the Council may appoint a designee to represent such member during one or more meetings of the Council.''.

(3) INVOLVEMENT OF FEDERAL AGENCIES AND DEPARTMENTS.—Subsection (e) of such section is amended by adding at the end the following new paragraph:

''(4) Members of the Council shall provide the Corporation for Travel Promotion with timely information regarding documentation and procedures required for admission to the United States and regarding strategies planned by any Federal department or agency to promote travel to the United States for tourism, business, study, scholarship, scientific exchange, or other purposes, so that the Corporation for Travel Promotion may better conduct its communications and promotion activities.''.

(4) ANNUAL REPORT.—Subsection (g)(3) of such section is amended by striking ''United States National Tourism Organization'' and inserting ''Corporation for Travel Promotion''.

(5) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—Subsection (h) of such section is amended by striking ''President of the United States National Tourism Organization'' and inserting ''President of the Corporation for Travel Promotion''.

(c) REPEAL OF AUTHORITIES RELATING TO THE UNITED STATES TRAVEL AND TOURISM PROMOTION ADVISORY BOARD.—Section 210 of the Department of Commerce and Related Agencies Appropriations Act, 2003 (contained in title II of division B of Public Law 108–7; 117 Stat. 78–79; 22 U.S.C. 2122 note) is amended—

(1) by striking subsections (b) through (d); and

(2) by redesignating subsection (e) as subsection (b).

SEC. 9. DEFINITIONS.

In this Act, the following definitions apply:

(1) BOARD.—The term ''Board'' means the board of directors of the Corporation.

(2) CORPORATION.—The term ''Corporation'' means the Corporation for Travel Promotion established by section 2.

(3) FUND.—The term ''Fund'' means the Travel Promotion Fund established by section 4.

(4) SECRETARY.—Except as otherwise expressly provided, the term ''Secretary'' means the Secretary of Commerce.

SEC. 10. G.A.O. STUDY.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Government Accountability Office shall initiate a study to assess barriers to entry into the United States by foreign travelers. The GAO shall consult with the Department of Homeland Security, including U.S. Immigration and Customs Enforcement and Customs and Border Protection, the Department of Commerce, and the Department of the Treasury, as necessary.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the GAO shall report the findings to the appropriate Congressional committees. The report shall include—

(1) the GAO's findings on specific barriers to entry into the United States by foreign travelers; and

(2) recommendations for initiatives that may reduce those barriers.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. RUSH) and the gentleman from Nebraska (Mr. TERRY) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

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

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

There was no objection.

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

Madam Speaker, H.R. 3232, the Travel Promotion Act, was introduced by Mr. DELAHUNT and Mr. BLUNT and will help spur the tourism industry in the United States by creating a Corporation For Travel Promotion within the Department of Commerce. This corporation will be funded by private sector money and special user fees.

Madam Speaker, I urge the bill's adoption.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise in support of H.R. 3232, the Travel Promotion Act of 2008. This legislation would establish the Corporation for Travel Promotion as a nonprofit corporation. The core mission would be to promote tourism in the United States and provide travel information to people around the world.

I am a cosponsor of the bill and support promoting the country's tourism industry. Spending by international travelers while in this country is defined as a U.S. export, and many have said that it is strong U.S. export numbers that have kept the economy growing over the last few quarters, despite a slowdown in other parts of the economy and the huge problems that have presented themselves in the financial markets.

Streamlining travel and tourism promotion through a not-for-profit corporation that does not require taxpayer funds will go a long way to help these industries and our economy.

Madam Speaker, I reserve the balance of my time.

Mr. RUSH. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Madam Speaker, I thank the gentleman for yielding. Let me express my gratitude to the Chair of the subcommittee for his leadership, as well as to the ranking member, Mr. WHITFIELD, for his efforts, as well as the Chair and ranking member of the full committee, Messrs. DINGELL and BARTON.

I am pleased to join with the minority whip, my friend ROY BLUNT, and 244 bipartisan House cosponsors to encourage support for the Travel Promotion Act of 2008. This bill will reverse the decline in the number of overseas visitors coming to the United States.

In a global economy, the world travel market is important. It means jobs and new business opportunities. This is a market that is growing, it is expanding, but our share of it keeps getting smaller. Overseas tourists, scientists, businessmen and students are going elsewhere, put off by the red tape and confusing guidelines for entry into the United States. Even the weak dollar is not enticing enough visitors to reverse this trend.

This drop is not only impacting our economy negatively, but we are missing an important opportunity to improve our image in the world. Data clearly demonstrates that it will help improve our image across the globe by connecting visitors with the most effective ambassadors that we have, the American people.

Once here, foreign visitors get to know us, who we are as a people and our values. This promotes respect for America and for Americans. It helps make the world a safer place for all of us, and it is the most cost-effective public diplomacy initiative we could ever undertake, at no cost to the American taxpayers.

I want to thank my colleagues on both sides of the aisle for the strong bipartisan support for the legislation, and close my remarks by urging the entire House to vote for its passage.

I would be remiss not to acknowledge the effort and the time that was put into this particular proposal by the minority whip, Mr. BLUNT. We all are in his debt.

Madam Speaker, Once in awhile, this House gets it just right. And when that happens, it's usually because we're working well together, across the aisle., Today I'm very pleased to join with the Minority Whip, my friend ROY BLUNT and with 244 bipartisan House cosponsors—in bringing to the floor the Travel Promotion Act of 2008. Without the support of so many on both sides of the aisle, as Well as their staffers, this day would not be possible.

The bill addresses the sharp decline in the number of overseas visitors to the United States. The world travel market is expanding but our share is getting smaller. Overseas tourists and businessmen and students are going elsewhere—even though the weak dollar should make the U.S. a cheap vacation. This drop has been felt in every sector of our economy, and more importantly—in our relationship with the rest of the world.

The reason is painfully simple. We don't make a coherent effort to tell America's story, to say to foreign visitors that they are welcome. Or to explain the confusing and sometimes intimidating rules and delays and even indignities that have become part of our visa and border entry process for foreigners since September 11, 2001.

Let me make clear that most of these rules are absolutely critical to our national security. And that we're constantly working to improve them.

The problem is most overseas visitors don't know that. And that what they do know comes from the echo chamber of the foreign press, which is often all too happy to exploit the horror stories about Fortress America—stories which then get repeated over and over again.

A constituent of mine on Cape Cod—where travel and tourism is literally the lifeblood of our local economy—described it as trying to entice a patron to a restaurant. First, he said, you detain and search the customer. Maybe pull his credit record and ask about past parking tickets and other legal transgressions. Then you hope he'll wander in for an expensive meal.

Even official visitors are not immune. Not too long ago the leader of a delegation from the Russian Duma visiting Capitol Hill concluded our inter-parliamentary meetings by saying he had thoroughly enjoyed our time together—and that he was never, under any circumstances, returning to the United States again. All because of the way he was treated during the entry process.

We are one of the only nations in the world that leaves the foreign travel marketplace to chance, with no official strategy to compel foreigners to visit the United States. The economic impact is staggering. The drop in foreign travel to the U.S. since 9/11 translates into a loss of $94 billion in visitor spending. A loss of $16 billion in tax revenue. And the loss of 200,000 American jobs in nearly every congressional district in this nation. No city in the United States has been hit harder than Boston.

In that spirit, I believe that this proposal will inject much needed capital into the American economy. Travel and tourism, when the sector is doing well, drives economic growth and creates opportunity at every level of the economy: from the airlines, to the hotel staff, to the cooks and dishwashers, to the tourguides. This bill will drive growth and create jobs here at home.

Even worse, is the effect on the already-tarnished face of the United States around the globe. If we're really worried about the distortions about us learned in madrassas, the best antidote is to encourage a first-hand look at our country and our people.

The Foreign Affairs Subcommittee on Oversight, which I chair, recently concluded a series of hearings on America's declining image in the world. The conclusions were overwhelming and deeply alarming.

Zogby International found that ''Arabs who know Americans, Arabs who visited America . . . they tend to like our people, our culture, our products and our values more.''

The same poll found that people who say ''yes'' when asked, ''Have you been to the United States, or would you like to come to the United States?'' are 25–30 points more favorable than those who say ''no''. The survey also found that students who visit the United States have more positive views about us than non-visitors by a factor of 10 percent—and that this favorable reaction was also shared by their family and friends.

One of the key recommendations for Congress from the bipartisan U.S.-Muslim Engagement Project, is to expand exchange programs ''with a smarter targeting of visa restrictions to enable Muslims who pose a low security risk, especially journalists, business people, and religious leaders, to enter the U.S. more easily.''

Travel nearly always changes lives and attitudes for the better. Both the visitor and host open their minds and hearts to new ideas—and to each other. We all know that the best ambassadors for our fundamental values are ordinary Americans. Once here, foreign visitors get to know us and our good intentions. When they return home, they tell family and friends about our cities and towns, our beaches and mountains, our ballparks and skyscrapers and farms and museums. This is an idealistic vision, but it is one that is supported by reams of studies and data.

To discourage travel to the U.S. is to squander our best resource in the war of ideas: the American people. And as a consequence, an entire generation of future world leaders will grow up knowing as little about us as we do about them. There is one thing that is certain—if we continue down this road, we will live in a safer and less secure world.

To promote America, we must promote travel. That's Public Diplomacy 101. Toward that end, H.R. 3232 would establish the non-profit Corporation for Travel Promotion, at no expense to the taxpayer and with enormous economic benefits in red and blue congressional districts across the Nation.

That's why H.R. 3232 enjoys the support of the U.S. Conference of Mayors, U.S. Chamber of Commerce, U.S. Olympic Committee, National Association of Manufacturers and 50 State tourism directors and thousands of mom-and-pop business that benefit from overseas travelers.

As Senator DICK LUGAR remarked recently, we as a Nation have become ''inhospitable''. And I'm pleased to report that Senator LUGAR signed on last week as the 50th cosponsor of the Senate companion of H.R. 3232. Followed yesterday by Senator CASEY as number 51—yet more evidence of the bipartisan nature of this legislation.

In that spirit, I again want to express my appreciation for the leadership of Congressman BLUNT, and that of Chairman DINGELL and Subcommittee Chairman RUSH, as well as our colleagues on the Judiciary and Homeland Security Committees and their respective staffs, in working so cooperatively to move the bill to the floor. As one constructive element of those discussions, I would like to specifically note my expectation that the program to market America abroad will create business opportunities for marketing and advertising professionals for minority—and women-owned businesses.

I urge my colleagues to vote for this legislation, and look forward to joining with our colleagues in the Senate to enact it into law in the very near future.

Mr. TERRY. Madam Speaker, I yield such time as he may consume to the gentleman who represents probably the biggest destination of domestic tourists and foreign tourists, the gentleman from Orlando, Florida (Mr. KELLER).

Mr. KELLER of Florida. I thank the gentleman for yielding.

I rise today as a proud supporter and cosponsor of H.R. 3232, the Travel Promotion Act. I would like to tell you why I support it, how it works and what the benefits are.

Why I support it, I represent the world's number one vacation destination, Orlando, Florida. We have 49 million tourists a year, mainly because my fine city is home to Disney World, Universal Studios, Sea World and many other exciting theme parks.

Forty-nine million tourists a year represents 46 million tourists domestically, but only 3 million internationally. You would think that Orlando and the other tourist destinations throughout the United States would be a good value now for European travelers, particularly with the weak American dollar. But we are not seeing that. In fact, our international tourism numbers are down to levels lower than they were before 9/11. Even though domestic travel is up 13 percent, international travel is down 6 percent.

Other countries spend millions of dollars to promote international tourism. We don't. Unfortunately, a lot of travelers in Europe and other continents mistakenly think that the process of entry and visas and security is a lot more complicated than it really is.

So, how would this legislation work? This legislation provides $200 million

to promote international tourism through marketing overseas and communicating U.S. security and entry policies. It spends this $200 million without one penny being charged to taxpayers. Half of the money comes from the private sector, the other half is paid for by foreign travelers.

Now, what is the benefit of this legislation? It will create thousands of jobs. One of my employers alone provides 60,000 jobs. One out of four people in my area is employed in the tourism industry.

Expert studies show that this legislation will generate up to $1 billion a year in an additional tax revenues. This is legislation that is key to stimulating the economy, at a time when we need the economy stimulated the most.

I want to close by pointing out the broad bipartisan support that this legislation has. We have 243 cosponsors. I want to especially congratulate the lead sponsors of this legislation, Mr. DELAHUNT of Massachusetts and the minority whip, Mr. BLUNT of Missouri. They have worked on this legislation for many years and pushed very hard to finally get us a floor vote. I am proud to join them today as a cosponsor and proud of their hard work.

I want to urge all of my colleagues on both sides of the aisle to vote yes on H.R. 3232. Let's be in favor of the Travel Promotion Act, and let's create some jobs at a time when we need them the most.

Mr. RUSH. Madam Speaker, I am pleased to yield 2 minutes to my friend, the gentleman from California (Mr. FARR), a fellow Eva Cassidy fan.

Mr. FARR. Thank you very much, Mr. Chairman, for yielding. I rise in strong support of this bill.

Myself and my colleague on the other side of the aisle, JON PORTER, formed the Congressional Tourism and Travel Caucus. JON PORTER is an outstanding cochair of that Tourism and Travel Caucus, and we have worked very closely with the authors, because this is a totally bipartisan bill, with Mr. DELAHUNT and Mr. BLUNT. It has been a work in progress for about the last 10 years, something the industry has really needed and America has really needed, particularly after 9/11, to try to expedite travelers coming to this country from especially those countries where we already have the Visa Waiver Program.

There is no taxpayer money in this. It is a congressionally created nonprofit corporation based here in Washington, D.C. It will have a 15-member directorate. They are not civil employees; they are not government employees. Those 15 members represent all aspects of American business, travel and rural areas as well, because, frankly, to boost the travel economy in this country boosts jobs in everybody's community. So this is one of those economic stimulus plans for America that has long been sought.

As you turn on the television and listen to these ads from other countries trying to woo Americans to travel overseas to their countries, to Australia, New Zealand, Europe and so on, we are going to be able to compete with that kind of travel promotion and really do what I think is so wonderful about promoting America, not a particular commercial destination, but just America as a country and a place to visit and see the wonderful people here. We will live that American Dream, with people seeing what an incredible country and what wonderful people make up this country.

So I am very excited about the opportunity to really boost tourism in America, to boost world understanding of American culture and Americans, and really I think this is a big step towards global peace, and it is good for business in this country as well.

Madam Speaker, I urge a strong bipartisan vote for this bill.

Mr. EMANUEL. Madam Speaker, I rise today in strong support of H.R. 3232, the Travel Promotion Act of 2007. I want to thank my friend from Massachusetts, Congressman DELAHUNT, for his hard work on this bill, which would create American jobs, help boost our economy, and improve our image abroad through international goodwill.

The Travel Promotion Act would create a nonprofit entity funded by private companies to promote tourism in the United States, an industry which is vital to our economy and helps improve America's image abroad. For example, last year, Chicago alone welcomed an additional 1.15 million overseas visitors, an increase of 8 percent from 2006. Illinois saw tourism revenue from international visitors rise 15.6 percent to $1.98 billion in 2007.

In addition to tourism being a key component of the American economy, the best way to improve our standing abroad is for people from other countries to come meet Americans and see our cities and sights.

To that end, the Travel Promotion Act can aid in our efforts to bring the 2016 Olympic and Paralympic Games to Chicago. Encouraging the world to visit Chicago for the Olympics would help showcase us as one of America's greatest cities, helping to build support for the 2016 Games in Chicago. Chicago was the 9th most popular U.S. city for overseas visitors last year, and the more people that visit our city and meet Chicagoans, the more goodwill we will build for our bid for Chicago to be the host city in 2016.

Madam Speaker, millions of Americans came away with a new understanding of China thanks to the Beijing Games this past summer. The Travel Promotion Act can help promote America to people all over the world, and as more people come to Chicago, I am confident that they will know what we know—Chicago is a first class city ready to host the world in 2016.

Mr. BLUNT. Madam Speaker, I rise today in strong support of H.R. 3232, the Travel Promotion Act of 2008. As I've stated this month during committee consideration of this bill, I believe this is a good bill that will allow our public and private sectors to cooperate on a strategy to encourage foreign visitors to come to the United States.

I also want to extend, once again, my thanks to my friend and colleague, BILL DELAHUNT, whose primary sponsorship and work on behalf of this legislation has gotten us to where we are today. And to all the other cosponsors and supporters of this bill, let me also offer my appreciation.

This legislation is a response to the opportunity costs borne by the travel and tourism industries following reforms that Congress implemented in the wake of the 9/11 attacks. Security was tightened at our ports of entry and we have made progress in better coordinating our national security apparatus to be aware of who is coming in and out of the country. Those reforms, though not always perfect, were important and we should be grateful that our country has been made safer as a result of them.

But the cost of those reforms has impacted some segments of our economy that were already directly impacted by the 9/11 attacks. Foreign visitors who, for a period of time, were unwilling to get on airplanes due to uncertainty about their safety after 9/11 are now unwilling to get on the same airplanes due to the bureaucratic obstacles to getting into the United States. Multiple agencies have heeded our call for greater security and barriers to entry, but the resulting layers of bureaucratic tape mean that legitimate visitors are often treated in a way none of us should be proud of, simply because they don't possess a United States passport. Millions of foreign travelers who want to visit our country for all the right reasons have received this message loud and clear: KEEP OUT. It isn't worth it to come here. The United States does not welcome you.

I've seen some estimates that show the results. Between 2004 and 2005, the United States experienced a decline of 10 percent in business travel. At the same time, Europe experienced an 8-percent increase. In 2005, we lost an estimated $43 billion in visitor spending alone.

Increasing unwillingness by foreign visitors to come to the United States since 9/11 translates into a loss of $94 billion in visitor spending; a loss of $16 billion in tax revenue to Federal, state and local governments; and the loss of 200,000 American jobs.

Travel and tourism affects every congressional district in America. In my home district in Missouri, tourism in the city of Branson alone produced approximately $1.8 billion for the local economy. Every one of my colleagues have places in their districts that foreign travelers benefit from visiting. We need to encourage that. Getting people to visit our country brings incredible benefits for things that are important to our country. Three specific things come to mind:

First, tourists spend and that helps local and regional economies. We all know our nation faces economic challenges today. Support for local businesses and the goods and services they offer is good for our tax base. Those revenues are benefits that our constituents don't have to pay in taxes themselves. And that's a good thing.

Second, tourism helps create jobs. Local businesses in support of tourist economies generate and sustain employment at all levels of the economy. At a time of economic challenge for many American families and their communities, these jobs are critical.

Finally, people who visit the United States tend to like Americans more. At a time when polling shows that fewer people understand Americans, it shouldn't surprise us that there

is waning support for our policies throughout the world. We know that when people visit us here in our country, they almost always like Americans more and are likely to consider American foreign policy more favorably than those who don't visit us. Members of Congress know better than anyone in the country that our best ambassadors are our constituents, when given the opportunity.

The Travel Promotion Act of 2008 is an effort to encourage all of those things, and reverse the dangerous notion that America is an unwelcoming place, not even worth the trouble of visiting. It creates a partnership that combines the resources and willpower of the private sector and the government to generate renewed interest in visiting America. We also took a hard look at what's already on the books and streamlined parts of the government that are supposed to be doing this work but aren't doing it effectively.

One area where I wish we'd spent some more time and effort was on updating the language relating to the Electronic System for Traveler Authorization (ESTA). When we originally crafted this bill, the ESTA had not yet been created, so our language included a reference to this on the condition it was authorized. The ESTA was authorized as part of the 9/11 bill that Congress passed last year. Unfortunately that legislation did not provide a mandate for the administration to collect the very fee that will provide the federal matching funds for the Corporation. I had hoped that as a result of the negotiations that got us here today, we would have found a way to create that mandate. I've been told that the Department of Homeland Security intends to create a fee in order to implement the ESTA in the near future. I would encourage the Department to do that and help get this program established.

The bill we have in front of us is an amended version of the bill that Mr. DELAHUNT and I introduced last year. I appreciate the hard work that Chairman DINGELL and Ranking Member BARTON have put into these amendments, as well as the work that Mr. RUSH and Mr. STEARNS put into the amendments that cleared the subcommittee last week. I think most of these changes enhance the bill and make it a better product.

I'd also like to thank Chairman BENNIE THOMPSON and Ranking Member PETER KING from the Homeland Security Committee, and Chairman JOHN CONYERS and Ranking Member LAMAR SMITH from the Judiciary Committee. Without the hard work of these members and their staffs, we wouldn't have this bill up on the floor today.

I'm looking forward to passage of the Travel Promotion Act. I'm looking forward to working with the industry experts who eventually will serve on the board of the Corporation for Travel Promotion and with the Department of Commerce to develop a strategy to ensure our country is an attractive market for international travelers. And, of course, I'm looking forward to welcoming as many of those travelers as possible to Branson, Missouri.

Mr. DINGELL. Madam Speaker, I submit two letters for the RECORD regarding H.R. 3232.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, September 24, 2008.

Hon. JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you regarding H.R. 3232, the Travel Promotion Act of 2007, introduced by Mr. Delahunt on July 31, 2007, which upon introduction was referred to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary and Homeland Security.

H.R. 3232 was marked up and ordered reported by the Committee on Energy and Commerce on September 23, 2008. I recognize and appreciate your desire to bring this bill 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 Homeland Security waiving, altering, or otherwise affecting its jurisdiction over H.R. 3232.

Further, I request your support for the appointment of Committee on Homeland Security conferees during any House-Senate conference convened on this or similar legislation. Finally, I request that a copy of this letter be included in the Congressional Record during floor consideration of H.R. 3232. I look forward to working with you on this legislation and other matters of great importance to this nation.

Sincerely,

BENNIE G. THOMPSON,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, September 25, 2008.

Hon. BENNIE G. THOMPSON,
Chairman, Committee on Homeland Security, Washington, DC.

DEAR CHAIRMAN THOMPSON: Thank you for your letter regarding H.R. 3232, the Travel Promotion Act of 2008.

The letter expresses the jurisdictional interest of the Committee on Homeland Security in the bill. The Committee on Energy and Commerce recognizes that your Committee has received a referral on H.R. 3232. I appreciate your decision to forgo a markup of the bill, and I agree with you that the decision does not in any way prejudice the Committee on Homeland Security with respect to its jurisdictional prerogatives, including the appointment of conferees, on this bill or similar legislation in the future. If a House-Senate conference is convened on H.R. 3232, I would support a request by the Committee on Homeland Security for an appropriate number of conferees with respect to provisions within its jurisdiction.

I will include our letters in the Congressional Record during consideration of the bill on the House floor. I appreciate the collaboration between our committees in crafting H.R. 3232, and I look forward to continuing to work with you to pass this important legislation.

Sincerely,

JOHN D. DINGELL,
Chairman.

Mr. DINGELL. Madam Speaker, I rise in support of H.R. 3232, the ''Travel Promotion Act of 2008.'' This legislation is the bipartisan product of negotiations between three committees. I commend several of my colleagues who contributed to this bill's improvement. In particular, my good friend and the chairman of the Subcommittee on Commerce, Trade, and Consumer Protection, BOBBY RUSH, deserves recognition for his efforts. I also extend my personal thanks to the chairmen and ranking members of the Committees on Homeland Security and the Judiciary, Representatives THOMPSON, KING, CONYERS, and SMITH, respectively. Lastly, I offer my gratitude and congratulations to my friend from Massachusetts, Representative DELAHUNT, the distinguished Republican Whip, Representative BLUNT, and Representative LOFGREN of California.

The amendments made to H.R. 3232 by the Committee on Energy and Commerce in consultation with the other Committees have measurably strengthened the accountability standards to which the Corporation for Travel Promotion, which this bill charters, will be held. I support the goal of encouraging more foreign tourists traveling to the United States, and would urge my colleagues to adopt the ''Travel Promotion Act of 2008.''

Mr. TERRY. Madam Speaker, we have no further speakers, and I yield back my time.

Mr. RUSH. Madam Speaker, I have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BOYDA of Kansas). The question is on the motion offered by the gentleman from Illinois (Mr. RUSH) that the House suspend the rules and pass the bill, H.R. 3232, 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.

FURTHER MESSAGE FROM THE SENATE

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

H.R. 2851. An act to amend the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to ensure that dependent students who take a medically necessary leave of absence do not lose health insurance coverage, and for other purposes.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 5057. An act to reauthorize the Debbie Smith DNA Backlog Grant Program, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1276. An act to facilitate the creation of methamphetamine precursor electronic logbook systems, and for other purposes.

S. 3296. An act to extend the authority of the United States Supreme Court Police to protect court officials off the Supreme Court Grounds and change the title of the Administrative Assistant to the Chief Justice.

S. 3560. An act to amend title XIX of the Social Security Act to provide additional funds for the qualifying individual (QI) program, and for other purposes.

□ 1815

CALLING CARD CONSUMER PROTECTION ACT

Mr. RUSH. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3402) to require accurate and reasonable disclosure of the terms and conditions of prepaid telephone calling cards and services, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3402

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 ''Calling Card Consumer Protection Act''.

SEC. 2. DEFINITIONS.

For purposes of this Act, the following definitions apply:

(1) The term ''Commission'' means the Federal Trade Commission.

(2) The term ''prepaid calling card'' has the meaning given the term ''prepaid calling card'' by section 64.5000(a) of the Federal Communications Commission's regulations (47 C.F.R. 64.5000(a)). Such term shall also include calling cards that use VoIP service or a successor protocol. Such term shall also include an electronic or other mechanism that allows users to pay in advance for a specified amount of calling. Such term shall not include—

(A) calling cards or other rights of use that are provided for free or at no additional cost as a promotional item accompanying a product or service purchased by a consumer;

(B) any card, device, or other right of use, the purchase of which establishes a customer-carrier relationship with a provider of wireless telecommunications service or wireless hybrid service, or that provides access to a wireless telecommunications service or wireless hybrid service account wherein the purchaser has a pre-existing relationship with the wireless service provider; or

(C) payphone service, as that term is defined in section 276(d) of the Communications Act of 1934 (47 U.S.C. 276(d)).

(3) The term ''prepaid calling card provider'' has the meaning given the term ''prepaid calling card provider'' by section 64.5000(b) of the Federal Communications Commission's regulations (47 C.F.R. 64.5000(b)). Such term shall also include—

(A) a provider of a prepaid calling card that uses VoIP service or a successor protocol; and

(B) a provider of a prepaid calling card that allows users to pay in advance for a specified amount of minutes through an electronic or other mechanism.

(4) The term ''prepaid calling card distributor'' means any entity or person that purchases prepaid calling cards from a prepaid calling card provider or another prepaid calling card distributor and sells, re-sells, issues, or distributes such cards to one or more distributors of such cards or to one or more retail sellers of such cards.

(5) The term ''wireless hybrid service'' is defined as a service that integrates both commercial mobile radio service (as defined by section 20.3 of the Federal Communications Commission's regulations (47 C.F.R. 20.3)) and VoIP service.

(6) The term ''VoIP service'' has the meaning given the term ''interconnected Voice over Internet protocol service'' by section 9.3 of the Federal Communications Commission's regulations (47 C.F.R. 9.3). Such term shall include any voice calling service that utilizes a voice over Internet protocol or any successor protocol in the transmission of the call.

(7) The term ''fees'' includes all charges, fees, taxes, or surcharges applicable to a prepaid calling card that are—

(A) required by Federal law or regulation or order of the Federal Communications Commission or by the laws and regulations of any State or political subdivision of a State; or

(B) expressly permitted to be assessed under Federal law or regulation or order of the Federal Communications Commission or under the laws and regulations of any State or political subdivision of a State.

(8) The term ''additional charge'' means any charge assessed by a prepaid calling card provider or prepaid calling card distributor for the use of a prepaid calling card, other than a fee or rate.

(9) The term ''international preferred destination'' means one or more specific international destinations named on a prepaid calling card or on the packaging material accompanying a prepaid calling card.

SEC. 3. REQUIRED DISCLOSURES OF PREPAID CALLING CARDS.

(a) REQUIRED DISCLOSURE.—Any prepaid calling card provider or prepaid calling card distributor shall disclose clearly and conspicuously the following information relating to the terms and conditions of the prepaid calling card:

(1) The name of the prepaid calling card provider and such provider's customer service telephone number and hours of service.

(2)(A) The number of domestic interstate minutes available from the prepaid calling card and the number of available minutes for all international preferred destinations served by the prepaid calling card at the time of purchase; or

(B) the dollar value of the prepaid calling card, the domestic interstate rate per minute provided by such card, and the applicable per minute rates for all international preferred destinations served by the prepaid calling card at the time of purchase.

(3)(A) The applicable per minute rate for all individual international destinations served by the card at the time of purchase; or

(B) a toll-free customer service number and website (if the provider maintains a website) where a consumer may obtain the information described in subparagraph (A) and a statement that such information may be obtained through such toll-free customer service number and website.

(4) The following terms and conditions pertaining to, or associated with, the use of the prepaid calling card:

(A) Any applicable fees associated with the use of the prepaid calling card.

(B) A description of any additional charges associated with the use of the prepaid calling card and the amount of such charges.

(C) Any limitation on the use or period of time for which the promoted or advertised minutes or rates will be available.

(D) Applicable policies relating to refund, recharge, and any predetermined decrease in value of such card over a period of time.

(E) Any expiration date applicable to the prepaid calling card or the minutes available with such calling card.

(b) LOCATION OF DISCLOSURE AND LANGUAGE REQUIREMENT.—

(1) CLEAR AND CONSPICUOUS.—

(A) CARDS.—The disclosures required under subsection (a) shall be printed in plain English language (except as provided in paragraph (2)) in a clear and conspicuous manner and location on the prepaid calling card. If the card is enclosed in packaging that obscures the disclosures on the card, such disclosures also shall be printed on the outside packaging of the card.

(B) ONLINE SERVICES.—In addition to the requirements under subparagraph (A), in the case of a prepaid calling card that consumers purchase via the Internet, the disclosures required under subsection (a) shall be displayed in plain English language (except as provided in paragraph (2)) in a clear and conspicuous manner and location on the Internet website that the consumer must access prior to purchasing such card.

(C) ADVERTISING AND OTHER PROMOTIONAL MATERIAL.—Any advertising for a prepaid calling card that contains any representation, expressly or by implication, regarding the dollar value, the per minute rate, or the number of minutes provided by the card shall include in a clear and conspicuous manner and location all the disclosures described in subsection (a).

(2) FOREIGN LANGUAGES.—If a language other than English is prominently used on a prepaid calling card, its packaging, or in point-of-sale advertising, Internet advertising, or promotional material for such card, the disclosures required by this section shall be disclosed in that language on such card, packaging, advertisement, or promotional material.

(c) MINUTES ANNOUNCED, PROMOTED, OR ADVERTISED THROUGH VOICE PROMPTS.—Any information provided to a consumer by any voice prompt given to the consumer at the time the consumer uses the prepaid calling card relating to the remaining value of the calling card or the number of minutes available from the calling card shall be accurate, taking into account the application of the fees and additional charges required to be disclosed under subsection (a).

(d) DISCLOSURES REQUIRED UPON PURCHASE OF ADDITIONAL MINUTES.—If a prepaid calling card permits a consumer to add value to the card or purchase additional minutes after the original purchase of the prepaid calling card, any changes to the rates or additional charges required to be disclosed under subsection (a) shall apply only to the additional minutes to be purchased and shall be disclosed to the consumer before the completion of such purchase.

SEC. 4. ENFORCEMENT BY THE FEDERAL TRADE COMMISSION.

(a) UNFAIR AND DECEPTIVE ACT OR PRACTICE.—A violation of section 3 shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(b) AUTHORITY OF THE COMMISSION.—The Commission shall enforce this Act in the same manner and by the same means as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this Act. Notwithstanding any provision of the Federal Trade Commission Act or any other provision of law and solely for purposes of this Act, common carriers subject to the Communications Act of 1934 (47 U.S.C. 151 et seq.) and any amendment thereto shall be subject to the jurisdiction of the Commission.

(c) RULEMAKING AUTHORITY.—Not later than 180 days after the date of enactment of this Act, the Commission shall, in consultation with the Federal Communications Commission and in accordance with section 553 of title 5, United States Code, issue regulations to carry out this Act. In promulgating such regulations, the Commission shall—

(1) take into consideration the need for clear disclosures that provide for easy comprehension and comparison by consumers, taking into account the size of prepaid calling cards; and

(2) give due consideration to the views of the Federal Communications Commission with regard to matters for which that Commission has particular expertise and authority and shall take into consideration the views of States.

In promulgating such regulations, the Commission shall not issue regulations that otherwise affect the rates, terms, and conditions of prepaid calling cards.

(d) SAVINGS PROVISION.—Nothing in this Act shall be construed to limit the authority of the Commission under any other provision of law. Except to the extent expressly provided in this Act, nothing in this Act shall be construed to alter or affect the exemption for common carriers provided by section 5(a)(2) of the Federal Trade Commission Act (15 U.S.C. 45(a)(2)). Nothing in this Act is intended to limit the authority of the Federal Communications Commission.

SEC. 5. STATE ENFORCEMENT.

(a) IN GENERAL.—

(1) CIVIL ACTIONS.—In any case in which the attorney general of a State, a State utility commission, or other consumer protection agency has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the engagement of any person in a practice that is prohibited under this Act, the State utility commission or other consumer protection agency, if authorized by State law, or the State, as parens patriae, may bring a civil action on behalf of the residents of that State in a district court of the United States of appropriate jurisdiction, or any other court of competent jurisdiction to—

(A) enjoin that practice;

(B) enforce compliance with this Act;

(C) obtain damage, restitution, or other compensation on behalf of residents of the State; or

(D) obtain such other relief as the court may consider to be appropriate.

(2) NOTICE TO THE COMMISSION.—

(A) IN GENERAL.—Before filing an action under paragraph (1), the State shall provide to the Commission—

(i) written notice of the action; and

(ii) a copy of the complaint for the action.

(B) EXEMPTION.—

(i) IN GENERAL.—Subparagraph (A) shall not apply with respect to the filing of an action by a State under this subsection, if the attorney general or other appropriate officer determines that it is not feasible to provide the notice described in that subparagraph before the filing of the action.

(ii) NOTIFICATION.—In an action described in clause (i), the State shall provide notice and a copy of the complaint to the Commission at the same time as the State files the action.

(b) INTERVENTION BY COMMISSION.—

(1) IN GENERAL.—On receiving notice under subsection (a)(2), the Commission shall have the right to intervene in the action that is the subject of the notice.

(2) EFFECT OF INTERVENTION.—If the Commission intervenes in an action under subsection (a), it shall have the right—

(A) to be heard with respect to any matter that arises in that action;

(B) to remove the action to the appropriate United States District Court; and

(C) to file a petition for appeal.

(c) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this section shall be construed to prevent an attorney general of a State, a State utility commission, or other consumer protection agency authorized by State law from exercising the powers conferred on the attorney general or other appropriate official by the laws of that State to—

(1) conduct investigations;

(2) administer oaths or affirmations;

(3) compel the attendance of witnesses or the production of documentary and other evidence; or

(4) enforce any State law.

(d) ACTION BY THE COMMISSION MAY PRECLUDE STATE ACTION.—In any case in which an action is instituted by or on behalf of the Commission for violation of this Act, or any regulation issued under this Act, no State may, during the pendency of that action, institute an action under subsection (a) against any defendant named in the complaint in that action for violation of this Act or regulation.

(e) VENUE; SERVICE OF PROCESS.—

(1) VENUE.—Any action brought under subsection (a) may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

(2) SERVICE OF PROCESS.—In an action brought under subsection (a), process may be served in any district in which the defendant—

(A) is an inhabitant; or

(B) may be found.

(f) LIMITATION.—No prepaid calling card distributor who is a retail merchant or seller of prepaid calling cards, who, with respect to such cards, is exclusively engaged in point-of-sale transactions may be liable for damages in an action authorized under this section unless such distributor acted with actual knowledge that the act or practice giving rise to such action is unfair or deceptive and is unlawful under this Act.

SEC. 6. APPLICATION.

This Act shall apply to—

(1) any prepaid calling card issued or placed into the stream of commerce beginning 90 days after the date on which final regulations are promulgated pursuant to section 4(c); and

(2) any advertising, promotion, point-of-sale material or voice prompt regarding a prepaid calling card that is disseminated beginning 90 days after the date on which final regulations are promulgated pursuant to section 4(c).

If the Commission determines that it is not feasible for prepaid calling card providers or distributors to comply with the requirements of this Act with respect to prepaid calling cards issued or placed into the stream of commerce after such 90-day period, the Commission may extend such period by not more than an additional 90 days.

SEC. 7. EFFECT ON STATE LAWS.

After the date on which final regulations are promulgated pursuant to section 4(c), no State or political subdivision of a State may establish or continue in effect any provision of law that prescribes disclosure requirements with respect to prepaid calling cards unless such requirements are identical to the requirements of section 3.

SEC. 8. G.A.O. STUDY.

Beginning 2 years after the date on which final regulations are promulgated pursuant to section 4(c), the Comptroller General shall conduct a study of the effectiveness of this Act and the disclosures required under this Act and shall submit a report of such study to Congress not later than 3 years after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. RUSH) and the gentleman from Nebraska (Mr. TERRY) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. RUSH. 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 Illinois?

There was no objection.

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

H.R. 3402, the Calling Card Consumer Protection Act, was introduced by my friend, Mr. ENGEL, and will help end calling card fraud that currently plagues communities across this Nation. It requires full and accurate disclosures on the fees, charges and terms that apply to calling cards, and it will go a long ways towards protecting innocent consumers.

I urge the bill's adoption.

Madam Speaker, I reserve the balance of my time.

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

I rise in support of H.R. 3042, the Calling Card Consumer Protection Act.

There is enormous fraud in the marketing and delivery of prepaid calling card services, reportedly up to as much as 30 percent to 40 percent of the industry's revenue. Prepaid card fraud is not a new problem, but has grown into a $1 billion industry that has attracted an increasing number of new providers, some better than others.

In many cases, the fraud is associated with the cards marketed to people from a specific region in the world with purported preferred rates to their country of origin. The States have responded to this problem with their own disclosure requirements and have increasingly brought enforcement actions against the bad actors, as has the Federal Trade Commission.

H.R. 3402 attempts to put the Federal Trade Commission in a strong position to go after the bad actors and to mandate proper disclosures to consumers. A national law is helpful, because it provides consistency for providers and consumers, consistency for enforcement, and it reduces confusion across this market.

In addition to preemption of State law for H.R. 3402 to be effective, it will have to apply to common carriers. We have crafted a very narrow enforcement authority for the FTC, solely for the purposes of this act, and I am glad we could do that on a bipartisan basis.

Madam Speaker, I reserve the balance of my time.

Mr. RUSH. Madam Speaker, I am pleased to yield 5 minutes to my friend, the author of this bill, the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. I thank my good friend, the gentleman from Illinois (Mr. RUSH) for his hard work on this important issue. We are so delighted, Bobby, to see you back. We look forward to continuing our work with you. Thank you so much for everything you have done, and, also, the gentleman from Nebraska (Mr. TERRY).

I would to also thank our chairman of the Energy and Commerce Committee, Mr. DINGELL, the gentleman

from Michigan for his strong support of this legislation.

This passed unanimously out of the Energy and Commerce Committee in a bipartisan way and in no small part due to the people I have mentioned before. I also want to thank the dedicated majority and minority staffs of the Consumer Protection and Telecommunications subcommittees for their diligent work in crafting an excellent bipartisan, compromise bill.

Madam Speaker, the prepaid calling card market is a $4 billion industry. In a recent independent study it was found that, on average, companies failed to provide 40 percent of the minutes guaranteed by the card, costing consumers hundreds of millions of dollars a year.

This fraud harms segments of the population who are least able to afford it, the poor, recent immigrants, minorities and seniors, and the companies don't stop there. They have even preyed upon our soldiers in Iraq and Afghanistan. This is unconscionable and obviously un-American. This legislation would end the deception and the fraud that these people have suffered at the hands of unscrupulous companies.

Now, the bottom line for this bill is this is a consumer protection bill. If we are in favor of protecting the consumer, then we should vote for this bill, because it's very, very simple. People have a right to know that when they buy a prepaid calling card, what they see is what they get. If a card says you get 60 minutes of calling time, then that consumer who buys the card is entitled to 60 minutes of calling time.

What we find in little small print that nobody can see or understand, there are so many hidden fees. Some calling cards say that you only can get the 60 minutes if you call at certain times. But if you don't call at other times, you don't get the minutes. Then the time you get the minutes is only from 2 to 4 a.m., which is ridiculous. Some cards charge you 3 units, 3 minutes of call time if you get a busy signal. Or 3 minutes of call time if you are just connected, as for a connection charge, even if it was across the street or in the same State.

So consumers don't want to think they are being defrauded. Consumers are entitled to get what they pay for. Sometimes there are companies that are very legitimate. Most of the companies are legitimate.

If a company says that you get 60 minutes of calling card, and it's a legitimate card, and that card may be a little bit more expensive than the fraudulent card, the unsuspecting consumer will buy the cheaper card thinking that he or she will get a better deal, when, in reality, the 60 minutes may only be 30 or 32 or 35 minutes.

The bottom line is this, if you are for the consumer, if you are for truth in marketing, then you should support this bill. If you are not, and you want things to go along the way they have been, then don't vote for the bill.

I am so delighted that we have bipartisan consideration on this and that, in a bipartisan fashion, we all agree that this is something that really should pass.

Nobody, nobody should be against this, not the telecom companies, not consumer groups, not any Members of Congress.

If we want to stand for legitimacy and say that we want to protect the consumer, and that we want people to understand that when they purchase something, they know what they are getting, then we ought to all vote for this bill.

I thank my colleagues. This is a tremendous victory for the consumers in America.

Mr. TERRY. Madam Speaker, I yield 4 minutes to the gentleman from Kentucky.

Mr. WHITFIELD of Kentucky. I certainly want to thank Chairman RUSH and the Democratic staff and the Republican staff for working so diligently to pass not only the Calling Card Consumer Protection Act, but also the Travel Promotion Act. I certainly want to congratulate Mr. ENGEL for bringing this matter before the House. It certainly is an important issue, and we are all delighted that this bill is moving forward.

Madam Speaker, I simply wanted to have a colloquy, if I could, with Chairman RUSH about a couple of issues relating to this bill, and simply wanted to confirm with Mr. RUSH the intent of certain provisions as they relate to small retailers that are selling these prepaid calling cards.

I guess my question, Chairman RUSH, is that if a retailer sells a card but is unaware that the calling card does not make all of the disclosures required by the act, will the retail merchant be subject to monetary penalties under sections 4 or 5 of the bill?

Mr. RUSH. I want to assure the gentleman if the retailer knowingly sells fraudulent cards, it would be subject to FTC penalty. But if the seller, the retailer does not know that they are fraudulent cards, then the penalties would not apply, only injunctive relief.

Mr. WHITFIELD of Kentucky. Thank you very much, Chairman RUSH.

To be clear, it is also my understanding that, obviously, to protect consumers, a retailer could be enjoined by the FTC, or State authorities, and required to stop selling fraudulent cards, which they should be required to stop, whether or not they knew the cards were fraudulent.

Such retailer would not, however, it's my understanding, and I think you pointed this out, they would not be subject to civil penalties or damages unless they knew the cards were unlawful; is that correct?

Mr. RUSH. The gentleman is correct.

Mr. WHITFIELD of Kentucky. I thank the gentleman very much, and I just wanted to express once again, the pleasure of working with the chairman on this.

We appreciate your great leadership.

Once again, I want to thank the staffs on both sides of the aisle.

Mr. ENGEL. Would the gentleman yield?

Mr. WHITFIELD of Kentucky. Yes, sir.

Mr. ENGEL. I thank the gentleman from Kentucky for bringing up that very important point. He should know, as I am sure he does, that there is no intent to penalize mom-and-pop store owners or anybody who may sell a card of this degree without any knowledge that there is something wrong with the card.

The purpose of this legislation is to go after the companies who fraudulently manufacture and sell these cards, not to go after individual grocery stores or mom and pop stores that sell these cards. I definitely agree with the gentleman that if someone does not have a knowledge that they are selling the card that may be flawed, we should not in any way, shape or form penalize them. That is certainly not the intent of the bill.

Mr. WHITFIELD of Kentucky. We certainly appreciate that clarification and look forward to the passage of this bill.

Mr. DINGELL. Madam Speaker, I rise in strong support of an excellent and sorely needed piece of legislation, H.R. 3402, the "Calling Card Consumer Protection Act". This bill is intended to combat the fraud and deception that is rampant in the marketing of prepaid calling cards. Many of our consumers—especially recent immigrants, the poor, students, and members of the military and their families—are vitally dependent on these prepaid cards to keep in touch with family and friends.

This bill requires providers and distributors of these cards to make full, clear, and honest disclosures on the cards, their packaging, and advertising materials. No more hidden charges. No more cards that do not deliver the minutes they promise. The bill empowers the Federal Trade Commission to enforce the Act. Violators would be subject to injunctive and other equitable relief to stop them from cheating consumers. If a violation is "knowing", they would be subject to civil penalties. In this way, the bill ensures that retailers who sell these dirty cards are subject only to injunctive relief, unless it can be shown that retailers knew the cards were fraudulent. Thus, we get the fraudulent cards off the market without punishing innocent retailers.

This bill maximizes protections for consumers and maintains a clear line between the areas of expertise of two agencies—the Federal Trade Commission (FTC) and the Federal Communications Commission (FCC). The bill provides the FTC with limited jurisdiction over common carriers, but is careful to preserve FCC's jurisdiction over common carriers for all other purposes. The bill also appropriately excludes prepaid wireless services as the record has not demonstrated a need for requiring such disclosures.

Once again, to promote uniform disclosures on cards bought across the United States, it provides a narrow preemption of State prepaid calling card disclosure requirements only. It preserves a strong enforcement role for State

Attorneys General and public utility commissions.

Finally, the bill mandates that the FTC conduct a rulemaking to ensure that all stakeholders—the calling card and telecommunications industry, States, and consumer groups—have a say in the final details of the uniform disclosure requirements that this legislation promotes.

Madam Speaker, H.R. 3402 is thoughtful and balanced legislation that is critical to protect some of our most vulnerable consumers. This bill has strong bipartisan support. I want to commend the author of this bill, the gentleman from New York, ELIOT ENGEL, for his fine leadership, and I urge Members to vote yes.

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

Mr. RUSH. Madam Speaker, I have no other speakers, and we yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. RUSH) that the House suspend the rules and pass the bill, H.R. 3402, 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

Mr. ENGEL. Madam Speaker, I ask unanimous consent that the motions to suspend the rules relating to the following measures be considered as adopted in the form considered by the House on Tuesday, September 23, 2008:

House Resolution 1461, House Concurrent Resolution 393, House Resolution 988, and H.R. 3018.

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

There was no objection.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will announce that on rollcall number 641 the following correction will be made:

The gentleman from Arkansas (Mr. ROSS) to be recorded as voting ''aye,'' bringing the number of ''aye'' votes to 415.

RECESS

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

Accordingly (at 6 o'clock and 29 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1858

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BOYDA of Kansas) at 6 o'clock and 58 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 7060, RENEWABLE ENERGY AND JOB CREATION TAX ACT OF 2008

Mr. ARCURI, from the Committee on Rules, submitted a privileged report (Rept. No. 110–887) on the resolution (H. Res. 1502) providing for consideration of the bill (H.R. 7060) to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. ARCURI, from the Committee on Rules, submitted a privileged report (Rept. No. 110–888) on the resolution (H. Res. 1503) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR CONSIDERATION OF H.R. 7060, RENEWABLE ENERGY AND JOB CREATION TAX ACT OF 2008

Mr. ARCURI. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1502 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1502

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 7060) to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 10 of rule XXI. The bill shall be considered as read. All points of order against the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit.

SEC. 2. During consideration of H.R. 7060 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

SEC. 3. House Resolutions 1489 and 1501 are laid on the table.

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

Mr. ARCURI. Madam Speaker, for purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. ARCURI. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and insert extraneous material into the RECORD.

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

There was no objection.

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

Madam Speaker, House Resolution 1502 provides for consideration of H.R. 7060, the Renewable Energy and Job Creation Tax Act. The rule provides 1 hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means.

Madam Speaker, I rise today in support of this rule because American families and small businesses need tax relief now more than ever. This rule will allow us to bring legislation to the House floor later today or tomorrow that will not only strengthen our economy by directing tax relief to middle class families and in creating jobs with small businesses but also help to bring this country into a new alternative energy future.

Madam Speaker, I urge my colleagues on both sides of the aisle to support this rule and the underlying legislation.

I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, I thank the gentleman, my friend from New York, for coming back down to redo this rule.

Madam Speaker, we are here because earlier in the day, just a few hours ago, it was discovered that the 64th closed rule, which set a brand new record for a United States Congress, contained several errors. And so we debated this issue already on the floor.

Here we are for the 65th now closed rule, a brand new record for the United States Congress—one which I'm not proud of—and from a Speaker who says that this Congress would be the most open, honest, and ethical Congress ever, a brand new closed rule record has occurred today.

Madam Speaker, we went back up to the Rules Committee just a few minutes ago. The gentleman from Oregon (Mr. WALDEN) came back and was present to hear the Rules Committee slam dunk his request again, which was an opportunity based upon a colloquy that took place this afternoon just a few minutes ago between the majority leader, Mr. HOYER, and myself, about

consideration of Mr. WALDEN's amendment. The amendment is of grave nature not only to 41 States but thousands of communities.

And at this time I would like to yield such time as he may consume to the gentleman from Oregon (Mr. WALDEN) to explain where we are in this process and what we're going to do on moving forward.

Mr. WALDEN of Oregon. I want to thank my colleague and friend from Texas for yielding the time to me at this time.

I'm bitterly disappointed, frankly, that we find ourselves back here on this floor once again without an opportunity even to offer up an alternative. And to put it in perspective for my colleagues who may not frequent the Rules Committee, ''closed rule'' means that the minority has no opportunity to offer up an alternative. Period. No opportunity to come to this floor in this great democratic institution, the finest in the world, and have a chance to have a vote on an alternative to this measure. That's what a closed rule is. You shut it down, you shut out everybody else. You got your way. You run the train, and you ran right over the top of literally half the people in America, nearly, who are represented on this side of the aisle.

So what does that mean? It means the amendment that I hoped would be allowed to at least be debated and considered here will not be.

I appreciate my colleague from Washington's Fourth District, DOC HASTINGS, the gentleman from Pasco, Washington, who offered the amendment. And it was defeated on a strict party-line partisan vote that precludes our opportunity here on the floor when it went down to defeat to even have a discussion about what it means to the 20 counties I represent and the many that he does and the 4,400 school districts and multi-hundred counties in 42 States that have had their revenue sharing cut off because this Congress, this Congress has failed to reauthorize county payments program.

So why are we here?

The Senate had a similar bill to this. It passed 93–2. Huge bipartisan effort trying to get the problem solved for this country. That would have extended these extenders that help on renewable energy, which I'm a big fan of. It also took care of this enormously important issue to the West because it is principally a western issue because, frankly, that's where the Federal lands are is in the West.

Now I know that other counties and other school districts around the country are affected, certainly, and this legislation could have helped them had it been allowed to be offered, but it's not being offered. But nobody is affected more than my colleague from the Fourth District in Oregon and myself, our constituents, some of whom now are out of work.

The largest county in my district had to close all of its public libraries. Most of the road departments in my district have been cut in half, perhaps more. Now in some counties there's one road person for every 100 miles of road. Many of the roads will be turned back to gravel, back to gravel. That's not progress in America.

And the Rules Committee had the jurisdiction, has the authority to prevent that from happening by at least allowing us to have a vote. Not once, not twice, but multiple times they denied that vote.

Now the gentleman from New York raised in the discussion of the Rules Committee about a bill that was brought to the floor that would have reauthorized county schools and roads for 4 years. I was cosponsor of that bill originally under the premise and promise that when it came to the floor it would have a different pay-for because that's what was promised in the Resources Committee, and that payment in lieu of taxes would be included in that bill when it came to the floor—that was the promise, and it was broken. It came to the floor differently.

The gentleman will say, Well, you're in the pocket of Big Oil because we wanted to raise the fees on oil companies to pay for it. Well, please. Under the conservation of resource fee that is allowable under the contract at issue here, the leases, you can add that fee but you can't use it to pay for county payments. The courts have looked at this issue. You can use it to do resource work around the shorelines and all, but you violate contracts when you do it the way you all brought it to the floor.

So, we can argue about that. I happen to believe I'm right. I'm right, I know, in that the promises were broken when it came to the floor.

In addition to that, I also believe that you all have the power to decide how bills come to the floor. You made the decision to bring it under suspension of the rules, had to suspend the rules of the House, requiring a two-thirds majority for that to be passed in this House. And it failed.

And the reason you brought it to the floor under suspension was so that the Republicans could offer no alternative, because that's the issue, isn't it? When you bring a bill under suspension, you and I both know, all of us know the minority has no chance to offer an alternative; it's an up-or-down vote. So we had the up-or-down vote, and it failed.

So then the bill went away, except we also know that you in the majority are most powerful and in the Rules Committee have a 2-to-1 plus one vote. You could craft a rule tonight, just as you have done here, and you could bring that bill back to the floor tomorrow, couldn't you, because you have got 218 votes for it. You didn't get the two-thirds. You got 218. So any day since that bill failed on the floor on suspension, you could have brought it back.

And you could have sent it to the Senate. If you'd had the same pay-for, it would still violate contracts. The Senate's repeatedly refused to accept that pay-for, oh, by the way, I was told repeatedly it was nothing but a placeholder, anyway, and it was never going to be used to fund the bill. So it was never really going to get the job done.

This bill that the Senate sent to us would get the job done. It's honest. It's direct. It would pay for 4 years of county payments in PILT. It would put our people back to work. It would help people deal with the problems in our Nation's forests that are so, so at risk of fire and destruction. It would allow the funding to go back to the communities, to our schools, so that teachers could be hired rather than fired; so we could maintain the roads that lead to our national forests; so that we could pay for search and rescue; so we could actually have collaborative efforts again under title II to go out and bring people together and do what needs to be done in our forests.

You have that power in the majority. We had it when we were in the majority, and those who criticized us for not getting this reauthorized when it just went to expiration, you're right. I was frustrated with our own majority that we couldn't get it done. I take that criticism. I leveled that criticism because I am so passionate about the need to maintain this partnership that's now been broken not for 1 year but for 2.

And this is today. Today is when you make the decision to move forward or not. This is today. It's actually tonight. And we've had two shots today where you could have given us this alternative to at least have a vote on the floor.

So my colleague from Texas, I apologize for my time. I do not apologize for my passion on the need to get a chance to at least have a real vote on a real measure that the President would sign and that the Senate's approved.

So I am bitterly disappointed tonight that for the second time in one day we have been denied on a party-line vote the opportunity to even have this amendment be considered on the floor of this great democratic institution.

Mr. ARCURI. I do appreciate the passion of the gentleman from Oregon.

This is an important issue. It's so important that when this bill came to the floor back in June when Congressman DEFAZIO offered it, I supported it. I guess it's about priorities, Madam Speaker. And the priorities are what do you do to pay for it.

Now, first off, this bill is about energy, it's about tax extenders.

First off, the proposal, the amendment that the gentleman is talking about, is not germane to this bill, first and foremost.

Secondarily, there is no pay-for-it in it.

Now 2, 3 months ago when there was a pay-for in it, we couldn't get it passed because not enough people on the other side of the aisle would support it. And the fact of the matter is,

you know, we did pay for it with royalty payments from oil companies.

And for me it's very easy. Let's look at what our priority is. Let's see: the priorities of large oil companies or the priorities of rural school districts.

Mr. WALDEN of Oregon. Would the gentleman yield?

Mr. ARCURI. No. You had your time, and I was courteous to you, and I would appreciate if you would allow me to finish my thoughts.

It's pretty easy for me when you look at oil companies and you look at school districts, that's a no-brainer. Yet people on that side of the aisle voted against it because it had a pay-for in it.

Well, Madam Speaker, I just think, one, this is not germane; two, it's not paid for. Clearly I will support it with the pay-for that was in it last month, but I think clearly without any question it's unfair for the gentleman to characterize it the way he has.

I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, I thought we were going to get done real quickly here. We're not.

The gentleman is right. It's a simple matter. Republicans are upset, also, about the high price of oil. We do not want to pass on higher taxes. The Democrat majority seeks something every single day to have Big Oil pay more and more and more money in taxes. Well, all that does is raise the price of oil. And you're right. You're darn right. The Republican Party is not for that.

I would also remind the gentleman that it takes a two-thirds vote, not a simple majority. And so it failed on a higher standard.

I would yield at this time 3 minutes to the gentleman from Oregon.

Mr. WALDEN of Oregon. I thank the gentleman. I wonder if the gentleman from New York would yield to a question or be willing to accept a question.

And the question is why, given the status of the majority, did you not bring that bill back under a rule or allow it to come to the floor under a rule to begin with? You're on the Rules Committee.

□ 1915

Mr. ARCURI. Is the gentleman asking me a question?

Mr. WALDEN of Oregon. Yes.

Mr. ARCURI. I guess I would return and ask you the question. Why wasn't it passed when we brought it? Why didn't you get more people on your side of the aisle to support it? I mean, it's a legitimate question. I voted for it. I think it was a good idea.

Mr. WALDEN of Oregon. Reclaiming my time, but answer me this question. Why did the majority decide it had to come under suspension of the rules, denying the minority to have an alternative?

Mr. ARCURI. Nor did you answer my question. I think it's a legitimate question I asked. Why wasn't it supported?

Mr. WALDEN of Oregon. I'll answer your question very clearly, because of two reasons. One, the majority did not include payment in lieu of taxes in the bill, which they promised when it left the Resources Committee they would do. Two, they also promised that pay-for was nothing but a placeholder that would be removed before it came to the floor. So that wasn't done correctly. And three, you violate contracts, which I didn't come to Congress to violate contracts. I never did it in 21 years in private business. I wasn't going to do it here.

And it's not a royalty fee, by the way, that you had. It was a fee on conservation and resource, which the courts have looked at and said you can assess but you have to spend it for that purpose and that purpose only, and county payments doesn't fit that category. And you have used it multiple times and the Senate has rejected it. So it wasn't going to work.

So now I've answered your question. You answer mine. Why don't you bring it tomorrow to the floor under a rule?

Mr. ARCURI. Because there's not a pay-for for it.

Mr. WALDEN of Oregon. You told me there was a pay-for.

Mr. ARCURI. No, there's not a pay-for in this—do you want to ask me the question?

Mr. WALDEN of Oregon. I do.

Mr. ARCURI. There's not a pay-for in the amendment you are offering.

Mr. WALDEN of Oregon. I'm talking about the bill that came up in June that was defeated on a suspension vote. You could have turned around the next day if you felt so passionately—you're on the Rules Committee—and brought it to the floor under a rule, couldn't you?

Mr. ARCURI. No, we could not have done that in the Rules Committee.

Mr. WALDEN of Oregon. Why?

Mr. ARCURI. We could not have just brought it up in the Rules Committee.

Mr. WALDEN of Oregon. Why? Of course you could. You do it all the time. A bill goes down on suspension—we did it, you do it—you bring it back under a rule the next day or a week later. You had 218 votes on the floor.

Mr. ARCURI. I think the question is what is your priority—

Mr. WALDEN of Oregon. Reclaiming my time, you refuse to answer why your majority doesn't bring it back up under a rule. It only takes 218 to pass it under a rule, a majority of those present. You had 218 that day.

You see the point is, you wouldn't bring it up under a rule because you wanted no debate on a real alternative or any other amendment that would be allowed under a rule. You could have passed it the next day and sent it on to the Senate. You chose not to. I don't control the Rules Committee. You all dominate it two-to-one plus one.

So if you care about school kids, you bring it up in a way that doesn't violate contracts, that actually could pay for it, or you allow us to bring it up under this bill or you put it in the continuing resolution or when the Senate sent it over as a 1-year extension—

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

Mr. SESSIONS. I yield the gentleman an additional 2 minutes.

Mr. WALDEN of Oregon. Or when the Senate sent over a 1-year funding package in the emergency supplemental, why did the House leadership strike it there?

There have been multiple opportunities this year to deal with this issue in multiple ways, and we are told that Sunday night we're going to be done and out of here for the session.

And every time somebody says to me, well, gee, I'm all for it but we've got to do it later on or this bill or that bill or not this bill or that bill. We're out of time. The layoffs have already occurred. The jobs are gone. The communities are suffering. The law enforcement officials have been let go.

I don't know where to go from here. I'm bitterly disappointed that we have these silly arguments when we ought to be passing legislation that actually helps real people in real places.

Mr. ARCURI. I continue to reserve my time.

Mr. SESSIONS. Madam Speaker, at this time, I'd like to yield 3 minutes to the gentleman from Idaho (Mr. SALI).

Mr. SALI. Madam Speaker, continuing on the line of the previous speaker on this side, the bill that was before us last month, that did provide for secure rural schools funding, I did vote for it in committee because we were promised that it would have a different pay-for by the time it got to the floor and that PILT funding would be in at 100 percent. And I did vote against it when it got to the floor here because it didn't have a pay-for. What it had was a bunch of baloney in it.

Now, the money that's supposed to come from Big Oil, as has been referred to by the other side, there's a Supreme Court case that is a 9–0 ruling that says that that money will never, ever, ever be used in Idaho.

Madam Speaker, my district is over 62 percent federally administered land. I have counties that are over 80 percent federally administered land. Imagine what that does to the tax base for your schools. And that is the real problem that we're trying to address here.

Well, the gentleman controlling time on the other side said, well, you know, we just can't include it this time and we included it last time, a month ago in the last bill and you wouldn't support it. Madam Speaker, these are real life people we're talking about. These are school kids whose teachers get laid off because the local school district can't afford to pay them.

These are local road districts who are trying to figure out how to make roads so that when you come to Idaho to enjoy those public lands we can actually get to them. These are real people trying to deal with real problems.

Madam Speaker, if this country wants to have federally administered land in the State of Idaho, I can tell you, I understand why. It is a beautiful, beautiful State. The recreation

opportunities are great. There are places in Idaho that offer world-class recreation. But when are we going to take care of the people of Idaho?

You want to blame it on a baloney pay-for that will never get money to Idaho? If we'd have voted for this and passed it last month and it had become law, you know what we would have given the people of the State of Idaho? An empty bag. They would never have gotten a penny of that money.

So how will they pay for those teachers? How will they pay for those roads that you might want to drive on to come see the beauty of the State of Idaho?

Madam Speaker, the idea that this comes down under a closed rule, that we can't even talk about it in this bill, we can't even offer another pay-for that would get real money on the ground in Idaho I think is a shame to this body.

Mr. ARCURI. Madam Speaker, I have no doubt that the gentleman is very concerned with the real people on the ground. There's absolutely no doubt. It is the gravest concern to all of us.

The fact of the matter is, when you weigh the needs of the individuals against the needs of oil companies, how can you call that a bunch of baloney? If the royalties, the taxes that we're placing on oil companies are going to be there to help people in rural schools, that's nothing? That's not baloney. That's the real thing. That's what we're doing to help children, and yet they forget about that.

Yet he doesn't even mention it. He talks as if that doesn't exist, that it's just a bunch of baloney. It's not baloney. It's the real thing. That's what we came to Congress to do. And yet they want us to put the needs of oil companies ahead of the needs of individuals. It's just not the right thing to do.

This bill's not about that. This bill is about renewable tax credits so that we can become energy independent, so that we could stop being reliant on the big oil companies and on foreign oil so that we can develop renewable energy. That's what this bill is about. That's what this rule is about.

I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, I yield 2 minutes to the gentleman from Idaho.

Mr. SALI. Madam Speaker, I'm going to urge everyone to just listen closely to what I have to say here.

There are two reasons why the pay-for doesn't work that was in the bill last month. And these are a matter of court cases, and I want to remind everybody again, the one that went to the Supreme Court was a 9–0 ruling. There are very few of those that come along.

The first reason is because the courts have said you cannot go back and change a contract that has been made. You just can't do it, except in some very, very narrow areas that were recognized by the court.

The other reason is because, in those narrow areas, you can't use that money in the State of Idaho. I don't care if you tax the oil companies to kingdom come. There is not a penny that was in that pay-for in that bill last month that would ever end up in Idaho. And that's the reason why I voted against that bill, because it would have left the State of Idaho—had we passed it, had it become law, it would have left the State of Idaho holding an empty bag.

And let me tell you something, Madam Speaker, an empty bag will not pay a teacher's salary. It will not pave a road in the State of Idaho so that you can come visit Idaho and come visit the natural beauty there, which is amazing.

Madam Speaker, this not about whether we're going to prefer Big Oil. It's not about priority. It's a matter of responsibility of the Congress of the United States. If you're going to come to my State, if you're going to come to my district and you're going to impose Federal administration on the lands that are in my district, then step up to the plate and have the responsibility so that you don't leave us holding an empty bag, so that you don't leave us without a tax base so that we can pay our teachers and pave our roads.

It is the responsibility of this Congress, and the idea that we would come here with this bill under a closed rule and shut us out is a shame on this body.

Mr. ARCURI. Well, if what the gentleman says is true—and I have no reason to doubt that—that means that he voted against it despite the fact it would have helped all the other rural school districts in the country because it didn't do anything for his State.

And I certainly can sympathize with the fact that he would be upset that it didn't do anything for his State, but the bill would have done a great deal for the rural school districts throughout the rest of the country at the expense of large oil companies.

So again from my way of thinking, when you weigh the overall good of rural school districts versus oil companies, the rural school districts win every time.

I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, I'd like to inquire, if I could, from the gentleman from New York if he has any additional speakers?

Mr. ARCURI. No, I do not.

Mr. SESSIONS. I thank the gentleman.

Madam Speaker, I think unfortunately this whole argument today has boiled down to a desire from the Democrat majority to simply tax Big Oil, and it's used over and over and over and over and over and over and over and over again as the reason we ought to have pay-fors to get taxes paid for, to get schools paid for, stick it to Big Oil. There's almost no germaneness. There's no reason to do that.

The opportunity that we have in this country, the Republican Party stands here day after day saying we need oil companies to be able to deliver American resources in this country. And every time you just go and raise their taxes, all you do is do what we're very effectively doing, and that is, we have to buy our resources from somewhere offshore. That's why we've almost doubled the amount of payment now overseas. I mean, it's gone to $800 billion our foreign payments, and it's double. That's how they keep building Dubai, that's how they build big cities, big countries, because the Democratic Party wants that. They want America to come to its knees, to have to pay higher and higher taxes.

They don't like oil. They want oil to have to dwindle to nothing, and I think it's a sad day. I think it's a sad day that we have to do it in this bill.

We already know where they are. We know where the Democrat Party is. They do not like oil companies. They do not want to drill. They do not want the price of energy to come down.

If this election is held, the American people will have a chance to decide what the answer is. We already know what that answer is, but once again, on a simple bill, stick it to Big Oil. Well, that's how you stick it to consumers, and I think it's pretty sad.

Madam Speaker, we've been through this all day. The bottom line is that the gentleman from Oregon is going to get a vote on the amendment that we talked about. The Rules Committee did not make it in order, not once but twice did not make it in order.

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I ask unanimous consent to have the text of the amendment and extraneous material inserted into the RECORD prior to the vote on the previous question, of which I'm going to ask that the opportunity for the amendment offered by myself for Mr. WALDEN be a part of what the previous question, when it's defeated, we will do.

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

There was no objection.

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

Mr. ARCURI. I thank my friend from Texas for his comments.

You know, I used to be an attorney. And when I used to practice, I tried a lot of cases. And when we would start our cases and we would make our opening arguments and we would proceed through the closing arguments, I always knew how good the case was on the part of the other side, especially during openings, because when the other side talked about the facts in the case, you knew they had a very good case. But when they talked about everything else except the facts, you knew they didn't have a very good case. Such is what we are seeing here tonight. They're talking about everything but what this rule is about. This rule is about creating a rule so that we can have tax extenders, so that we can promote alternative energy in this country, something that everyone says

that we need to do, and we are doing it in a responsible way with a pay-for.

Now, it's great they talk about things that they would like to do, other proposals, other amendments, but no one says where the pay-for is going to come from. So where is that pay-for going to come from? Are we going to just borrow and spend our way to it? I mean, we're borrowing $700 billion now, what's a little bit more? We had a pay-for in it when the bill was offered 2 weeks ago, yet it wasn't voted for. But what are they talking about? Everything but what we're here for today.

Now they want to bring up oil again, as if the Democrats don't care about oil prices, as if the Democrats hadn't just passed a bill that did a number of things to bring energy prices down in the short term, in the middle term, in the long term; but that's not enough. They don't want to talk about what we're here for today because then the American people might look at it and say the Democrats have the right idea; they want to create tax incentives so we can have real alternative energy in this country and not be dependent on foreign oil, not be dependent on our big oil companies.

No, Madam Speaker, we do not have anything against the big oil companies, we just think our priorities should be here on this particular bill with a pay-for and with creating tax incentives so that we can produce renewable, green-collar jobs right here in this country, jobs that cannot be outsourced or shipped overseas. That's what this rule is about.

Supporting this rule and the tax relief legislation we will consider is simply common sense. We can provide tax relief and incentives for middle class families, spur innovation, create tens of thousands of new jobs, reduce our dependence on oil from hostile nations, and reduce greenhouse gases at the same time. And we can do it all in a fiscally responsible manner, pay for it today, not spread it out on our children and grandchildren.

I urge my colleagues to vote ''yes'' on the previous question and the rule.

The material previously referred to by Mr. SESSIONS is as follows:

AMENDMENT TO H. RES. 1502 OFFERED BY REP. SESSIONS OF TEXAS

Strike all after the resolved clause and insert the following:

That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 7060) to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 10 of rule XXI. The bill shall be considered as read. All points of order against the bill are waived. The previous question shall be considered as ordered on the bill, and any amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) the amendment relating to the reauthorization of the Secure Rural Schools and Community Self-Determination Act printed in section 4 of this resolution, if offered by Representative Walden of Oregon or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 7060 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

SEC. 3. House Resolutions 1489 and 1501 are laid on the table.

SEC. 4. The amendment referred to in section 1 is as follows:

At the end of the bill add the following new section:

SEC. 409. SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION PROGRAM.

(a) REAUTHORIZATION OF THE SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000.—The Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106–393) is amended by striking sections 1 through 403 and inserting the following:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Secure Rural Schools and Community Self-Determination Act of 2000'.

''SEC. 2. PURPOSES.

''The purposes of this Act are—

''(1) to stabilize and transition payments to counties to provide funding for schools and roads that supplements other available funds;

''(2) to make additional investments in, and create additional employment opportunities through, projects that—

''(A)(i) improve the maintenance of existing infrastructure;

''(ii) implement stewardship objectives that enhance forest ecosystems; and

''(iii) restore and improve land health and water quality;

''(B) enjoy broad-based support; and

''(C) have objectives that may include—

''(i) road, trail, and infrastructure maintenance or obliteration;

''(ii) soil productivity improvement;

''(iii) improvements in forest ecosystem health;

''(iv) watershed restoration and maintenance;

''(v) the restoration, maintenance, and improvement of wildlife and fish habitat;

''(vi) the control of noxious and exotic weeds; and

''(vii) the reestablishment of native species; and

''(3) to improve cooperative relationships among—

''(A) the people that use and care for Federal land; and

''(B) the agencies that manage the Federal land.

''SEC. 3. DEFINITIONS.

''In this Act:

''(1) ADJUSTED SHARE.—The term 'adjusted share' means the number equal to the quotient obtained by dividing—

''(A) the number equal to the quotient obtained by dividing—

''(i) the base share for the eligible county; by

''(ii) the income adjustment for the eligible county; by

''(B) the number equal to the sum of the quotients obtained under subparagraph (A) and paragraph (8)(A) for all eligible counties.

''(2) BASE SHARE.—The term 'base share' means the number equal to the average of—

''(A) the quotient obtained by dividing—

''(i) the number of acres of Federal land described in paragraph (7)(A) in each eligible county; by

''(ii) the total number of acres of Federal land in all eligible counties in all eligible States; and

''(B) the quotient obtained by dividing—

''(i) the amount equal to the average of the 3 highest 25-percent payments and safety net payments made to each eligible State for each eligible county during the eligibility period; by

''(ii) the amount equal to the sum of the amounts calculated under clause (i) and paragraph (9)(B)(i) for all eligible counties in all eligible States during the eligibility period.

''(3) COUNTY PAYMENT.—The term 'county payment' means the payment for an eligible county calculated under section 101(b).

''(4) ELIGIBLE COUNTY.—The term 'eligible county' means any county that—

''(A) contains Federal land (as defined in paragraph (7)); and

''(B) elects to receive a share of the State payment or the county payment under section 102(b).

''(5) ELIGIBILITY PERIOD.—The term 'eligibility period' means fiscal year 1986 through fiscal year 1999.

''(6) ELIGIBLE STATE.—The term 'eligible State' means a State or territory of the United States that received a 25-percent payment for 1 or more fiscal years of the eligibility period.

''(7) FEDERAL LAND.—The term 'Federal land' means—

''(A) land within the National Forest System, as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)) exclusive of the National Grasslands and land utilization projects designated as National Grasslands administered pursuant to the Act of July 22, 1937 (7 U.S.C. 1010–1012); and

''(B) such portions of the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant land as are or may hereafter come under the jurisdiction of the Department of the Interior, which have heretofore or may hereafter be classified as timberlands, and power-site land valuable for timber, that shall be managed, except as provided in the former section 3 of the Act of August 28, 1937 (50 Stat. 875; 43 U.S.C. 1181c), for permanent forest production.

''(8) 50-PERCENT ADJUSTED SHARE.—The term '50-percent adjusted share' means the number equal to the quotient obtained by dividing—

''(A) the number equal to the quotient obtained by dividing—

''(i) the 50-percent base share for the eligible county; by

''(ii) the income adjustment for the eligible county; by

''(B) the number equal to the sum of the quotients obtained under subparagraph (A) and paragraph (1)(A) for all eligible counties.

''(9) 50-PERCENT BASE SHARE.—The term '50–percent base share' means the number equal to the average of—

''(A) the quotient obtained by dividing—

''(i) the number of acres of Federal land described in paragraph (7)(B) in each eligible county; by

''(ii) the total number acres of Federal land in all eligible counties in all eligible States; and

''(B) the quotient obtained by dividing—

''(i) the amount equal to the average of the 3 highest 50-percent payments made to each eligible county during the eligibility period; by

''(ii) the amount equal to the sum of the amounts calculated under clause (i) and

paragraph (2)(B)(i) for all eligible counties in all eligible States during the eligibility period.

''(10) 50-PERCENT PAYMENT.—The term '50-percent payment' means the payment that is the sum of the 50-percent share otherwise paid to a county pursuant to title II of the Act of August 28, 1937 (chapter 876; 50 Stat. 875; 43 U.S.C. 1181f), and the payment made to a county pursuant to the Act of May 24, 1939 (chapter 144; 53 Stat. 753; 43 U.S.C. 1181f–1 et seq.).

''(11) FULL FUNDING AMOUNT.—The term 'full funding amount' means—

''(A) $500,000,000 for fiscal year 2008; and

''(B) for fiscal year 2009 and each fiscal year thereafter, the amount that is equal to 90 percent of the full funding amount for the preceding fiscal year.

''(12) INCOME ADJUSTMENT.—The term 'income adjustment' means the square of the quotient obtained by dividing—

''(A) the per capita personal income for each eligible county; by

''(B) the median per capita personal income of all eligible counties.

''(13) PER CAPITA PERSONAL INCOME.—The term 'per capita personal income' means the most recent per capita personal income data, as determined by the Bureau of Economic Analysis.

''(14) SAFETY NET PAYMENTS.—The term 'safety net payments' means the special payment amounts paid to States and counties required by section 13982 or 13983 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66; 16 U.S.C. 500 note; 43 U.S.C. 1181f note).

''(15) SECRETARY CONCERNED.—The term 'Secretary concerned' means—

''(A) the Secretary of Agriculture or the designee of the Secretary of Agriculture with respect to the Federal land described in paragraph (7)(A); and

''(B) the Secretary of the Interior or the designee of the Secretary of the Interior with respect to the Federal land described in paragraph (7)(B).

''(16) STATE PAYMENT.—The term 'State payment' means the payment for an eligible State calculated under section 101(a).

''(17) 25-PERCENT PAYMENT.—The term '25-percent payment' means the payment to States required by the sixth paragraph under the heading of 'FOREST SERVICE' in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

''TITLE I—SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LAND

''SEC. 101. SECURE PAYMENTS FOR STATES CONTAINING FEDERAL LAND.

''(a) STATE PAYMENT.—For each of fiscal years 2008 through 2011, the Secretary of Agriculture shall calculate for each eligible State an amount equal to the sum of the products obtained by multiplying—

''(1) the adjusted share for each eligible county within the eligible State; by

''(2) the full funding amount for the fiscal year.

''(b) COUNTY PAYMENT—For each of fiscal years 2008 through 2011, the Secretary of the Interior shall calculate for each eligible county that received a 50-percent payment during the eligibility period an amount equal to the product obtained by multiplying—

''(1) the 50-percent adjusted share for the eligible county; by

''(2) the full funding amount for the fiscal year.

''SEC. 102. PAYMENTS TO STATES AND COUNTIES.

''(a) PAYMENT AMOUNTS.—Except as provided in section 103, the Secretary of the Treasury shall pay to—

''(1) a State or territory of the United States an amount equal to the sum of the amounts elected under subsection (b) by each county within the State or territory for—

''(A) if the county is eligible for the 25-percent payment, the share of the 25-percent payment; or

''(B) the share of the State payment of the eligible county; and

''(2) a county an amount equal to the amount elected under subsection (b) by each county for—

''(A) if the county is eligible for the 50-percent payment, the 50-percent payment; or

''(B) the county payment for the eligible county.

''(b) ELECTION TO RECEIVE PAYMENT AMOUNT.—

''(1) ELECTION; SUBMISSION OF RESULTS.—

''(A) IN GENERAL.—The election to receive a share of the State payment, the county payment, a share of the State payment and the county payment, a share of the 25-percent payment, the 50-percent payment, or a share of the 25-percent payment and the 50-percent payment, as applicable, shall be made at the discretion of each affected county by August 1, 2008 (or as soon thereafter as the Secretary concerned determines is practicable), and August 1 of each second fiscal year thereafter, in accordance with paragraph (2), and transmitted to the Secretary concerned by the Governor of each eligible State.

''(B) FAILURE TO TRANSMIT.—If an election for an affected county is not transmitted to the Secretary concerned by the date specified under subparagraph (A), the affected county shall be considered to have elected to receive a share of the State payment, the county payment, or a share of the State payment and the county payment, as applicable.

''(2) DURATION OF ELECTION.—

''(A) IN GENERAL.—A county election to receive a share of the 25-percent payment or 50-percent payment, as applicable, shall be effective for 2 fiscal years.

''(B) FULL FUNDING AMOUNT.—If a county elects to receive a share of the State payment or the county payment, the election shall be effective for all subsequent fiscal years through fiscal year 2011.

''(3) SOURCE OF PAYMENT AMOUNTS.—The payment to an eligible State or eligible county under this section for a fiscal year shall be derived from—

''(A) any amounts that are appropriated to carry out this Act;

''(B) any revenues, fees, penalties, or miscellaneous receipts, exclusive of deposits to any relevant trust fund, special account, or permanent operating funds, received by the Federal Government from activities by the Bureau of Land Management or the Forest Service on the applicable Federal land; and

''(C) to the extent of any shortfall, out of any amounts in the Treasury of the United States not otherwise appropriated.

''(c) DISTRIBUTION AND EXPENDITURE OF PAYMENTS.——

''(1) DISTRIBUTION METHOD.—A State that receives a payment under subsection (a) for Federal land described in section 3(7)(A) shall distribute the appropriate payment amount among the appropriate counties in the State in accordance with—

''(A) the Act of May 23, 1908 (16 U.S.C. 500); and

''(B) section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

''(2) EXPENDITURE PURPOSES.—Subject to subsection (d), payments received by a State under subsection (a) and distributed to counties in accordance with paragraph (1) shall be expended as required by the laws referred to in paragraph (1).

''(d) EXPENDITURE RULES FOR ELIGIBLE COUNTIES.—

''(1) ALLOCATIONS.—

''(A) USE OF PORTION IN SAME MANNER AS 25-PERCENT PAYMENT OR 50-PERCENT PAYMENT, AS APPLICABLE.—Except as provided in paragraph (3)(B), if an eligible county elects to receive its share of the State payment or the county payment, not less than 80 percent, but not more than 85 percent, of the funds shall be expended in the same manner in which the 25-percent payments or 50–percent payment, as applicable, are required to be expended.

''(B) ELECTION AS TO USE OF BALANCE.—Except as provided in subparagraph (C), an eligible county shall elect to do 1 or more of the following with the balance of any funds not expended pursuant to subparagraph (A):

''(i) Reserve any portion of the balance for projects in accordance with title II.

''(ii) Reserve not more than 7 percent of the total share for the eligible county of the State payment or the county payment for projects in accordance with title III.

''(iii) Return the portion of the balance not reserved under clauses (i) and (ii) to the Treasury of the United States.

''(C) COUNTIES WITH MODEST DISTRIBUTIONS.—In the case of each eligible county to which more than $100,000, but less than $350,000, is distributed for any fiscal year pursuant to either or both of paragraphs (1)(B) and (2)(B) of subsection (a), the eligible county, with respect to the balance of any funds not expended pursuant to subparagraph (A) for that fiscal year, shall—

''(i) reserve any portion of the balance for—

''(I) carrying out projects under title II;

''(II) carrying out projects under title III; or

''(III) a combination of the purposes described in subclauses (I) and (II); or

''(ii) return the portion of the balance not reserved under clause (i) to the Treasury of the United States.

''(2) DISTRIBUTION OF FUNDS.—

''(A) IN GENERAL.—Funds reserved by an eligible county under subparagraph (B)(i) or (C)(i) of paragraph (1) for carrying out projects under title II shall be deposited in a special account in the Treasury of the United States.

''(B) AVAILABILITY.—Amounts deposited under subparagraph (A) shall—

''(i) be available for expenditure by the Secretary concerned, without further appropriation; and

''(ii) remain available until expended in accordance with title II.

''(3) ELECTION.—

''(A) NOTIFICATION.—

''(i) IN GENERAL.—An eligible county shall notify the Secretary concerned of an election by the eligible county under this subsection not later than September 30, 2008 (or as soon thereafter as the Secretary concerned determines is practicable), and each September 30 thereafter for each succeeding fiscal year.

''(ii) FAILURE TO ELECT.—Except as provided in subparagraph (B), if the eligible county fails to make an election by the date specified in clause (i), the eligible county shall—

''(I) be considered to have elected to expend 85 percent of the funds in accordance with paragraph (1)(A); and

''(II) return the balance to the Treasury of the United States.

''(B) COUNTIES WITH MINOR DISTRIBUTIONS.—In the case of each eligible county to which less than $100,000 is distributed for any fiscal year pursuant to either or both of paragraphs (1)(B) and (2)(B) of subsection (a), the eligible county may elect to expend all the funds in the same manner in which the 25-percent payments or 50-percent payments, as applicable, are required to be expended.

''(e) TIME FOR PAYMENT.—The payments required under this section for a fiscal year shall be made as soon as practicable after the end of that fiscal year.

''SEC. 103. TRANSITION PAYMENTS TO STATES.

''(a) DEFINITIONS.—In this section:

''(1) ADJUSTED AMOUNT.—The term 'adjusted amount' means, with respect to a covered State—

''(A) for fiscal year 2008, 90 percent of—

''(i) the sum of the amounts paid for fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2008; and

''(ii) the sum of the amounts paid for fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2008;

''(B) for fiscal year 2009, 81 percent of—

''(i) the sum of the amounts paid for fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2009; and

''(ii) the sum of the amounts paid for fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2009; and

''(C) for fiscal year 2010, 73 percent of—

''(i) the sum of the amounts paid for fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2010; and

''(ii) the sum of the amounts paid for fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2010.

''(2) COVERED STATE.—The term 'covered State' means each of the States of California, Louisiana, Oregon, Pennsylvania, South Carolina, South Dakota, Texas, and Washington.

''(b) TRANSITION PAYMENTS.—For each of fiscal years 2008 through 2010, in lieu of the payment amounts that otherwise would have been made under paragraphs (1)(B) and (2)(B) of section 102(a), the Secretary of the Treasury shall pay the adjusted amount to each covered State and the eligible counties within the covered State, as applicable.

''(c) DISTRIBUTION OF ADJUSTED AMOUNT.—Except as provided in subsection (d), it is the intent of Congress that the method of distributing the payments under subsection (b) among the counties in the covered States for each of fiscal years 2008 through 2010 be in the same proportion that the payments were distributed to the eligible counties in fiscal year 2006.

''(d) DISTRIBUTION OF PAYMENTS IN CALIFORNIA.—The following payments shall be distributed among the eligible counties in the State of California in the same proportion that payments under section 102(a)(2) (as in effect on September 29, 2006) were distributed to the eligible counties for fiscal year 2006:

''(1) Payments to the State of California under subsection (b).

''(2) The shares of the eligible counties of the State payment for California under section 102 for fiscal year 2011.

''(e) TREATMENT OF PAYMENTS.—For purposes of this Act, any payment made under subsection (b) shall be considered to be a payment made under section 102(a).

''TITLE II—SPECIAL PROJECTS ON FEDERAL LAND

''SEC. 201. DEFINITIONS.

''In this title:

''(1) PARTICIPATING COUNTY.—The term 'participating county' means an eligible county that elects under section 102(d) to expend a portion of the Federal funds received under section 102 in accordance with this title.

''(2) PROJECT FUNDS.—The term 'project funds' means all funds an eligible county elects under section 102(d) to reserve for expenditure in accordance with this title.

''(3) RESOURCE ADVISORY COMMITTEE.—The term 'resource advisory committee' means—

''(A) an advisory committee established by the Secretary concerned under section 205; or

''(B) an advisory committee determined by the Secretary concerned to meet the requirements of section 205.

''(4) RESOURCE MANAGEMENT PLAN.—The term 'resource management plan' means—

''(A) a land use plan prepared by the Bureau of Land Management for units of the Federal land described in section 3(7)(B) pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712); or

''(B) a land and resource management plan prepared by the Forest Service for units of the National Forest System pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

''SEC. 202. GENERAL LIMITATION ON USE OF PROJECT FUNDS.

''(a) LIMITATION.—Project funds shall be expended solely on projects that meet the requirements of this title.

''(b) AUTHORIZED USES.—Project funds may be used by the Secretary concerned for the purpose of entering into and implementing cooperative agreements with willing Federal agencies, State and local governments, private and nonprofit entities, and landowners for protection, restoration, and enhancement of fish and wildlife habitat, and other resource objectives consistent with the purposes of this Act on Federal land and on non-Federal land where projects would benefit the resources on Federal land.

''SEC. 203. SUBMISSION OF PROJECT PROPOSALS.

''(a) SUBMISSION OF PROJECT PROPOSALS TO SECRETARY CONCERNED.—

''(1) PROJECTS FUNDED USING PROJECT FUNDS.—Not later than September 30 for fiscal year 2008 (or as soon thereafter as the Secretary concerned determines is practicable), and each September 30 thereafter for each succeeding fiscal year through fiscal year 2011, each resource advisory committee shall submit to the Secretary concerned a description of any projects that the resource advisory committee proposes the Secretary undertake using any project funds reserved by eligible counties in the area in which the resource advisory committee has geographic jurisdiction.

''(2) PROJECTS FUNDED USING OTHER FUNDS.—A resource advisory committee may submit to the Secretary concerned a description of any projects that the committee proposes the Secretary undertake using funds from State or local governments, or from the private sector, other than project funds and funds appropriated and otherwise available to do similar work.

''(3) JOINT PROJECTS.—Participating counties or other persons may propose to pool project funds or other funds, described in paragraph (2), and jointly propose a project or group of projects to a resource advisory committee established under section 205.

''(b) REQUIRED DESCRIPTION OF PROJECTS.—In submitting proposed projects to the Secretary concerned under subsection (a), a resource advisory committee shall include in the description of each proposed project the following information:

''(1) The purpose of the project and a description of how the project will meet the purposes of this title.

''(2) The anticipated duration of the project.

''(3) The anticipated cost of the project.

''(4) The proposed source of funding for the project, whether project funds or other funds.

''(5)(A) Expected outcomes, including how the project will meet or exceed desired ecological conditions, maintenance objectives, or stewardship objectives.

''(B) An estimate of the amount of any timber, forage, and other commodities and other economic activity, including jobs generated, if any, anticipated as part of the project.

''(6) A detailed monitoring plan, including funding needs and sources, that—

''(A) tracks and identifies the positive or negative impacts of the project, implementation, and provides for validation monitoring; and

''(B) includes an assessment of the following:

''(i) Whether or not the project met or exceeded desired ecological conditions; created local employment or training opportunities, including summer youth jobs programs such as the Youth Conservation Corps where appropriate.

''(ii) Whether the project improved the use of, or added value to, any products removed from land consistent with the purposes of this title.

''(7) An assessment that the project is to be in the public interest.

''(c) AUTHORIZED PROJECTS.—Projects proposed under subsection (a) shall be consistent with section 2.

''SEC. 204. EVALUATION AND APPROVAL OF PROJECTS BY SECRETARY CONCERNED.

''(a) CONDITIONS FOR APPROVAL OF PROPOSED PROJECT.—The Secretary concerned may make a decision to approve a project submitted by a resource advisory committee under section 203 only if the proposed project satisfies each of the following conditions:

''(1) The project complies with all applicable Federal laws (including regulations).

''(2) The project is consistent with the applicable resource management plan and with any watershed or subsequent plan developed pursuant to the resource management plan and approved by the Secretary concerned.

''(3) The project has been approved by the resource advisory committee in accordance with section 205, including the procedures issued under subsection (e) of that section.

''(4) A project description has been submitted by the resource advisory committee to the Secretary concerned in accordance with section 203.

''(5) The project will improve the maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, and restore and improve land health and water quality.

''(b) ENVIRONMENTAL REVIEWS.—

''(1) REQUEST FOR PAYMENT BY COUNTY.—The Secretary concerned may request the resource advisory committee submitting a proposed project to agree to the use of project funds to pay for any environmental review, consultation, or compliance with applicable environmental laws required in connection with the project.

''(2) CONDUCT OF ENVIRONMENTAL REVIEW.—If a payment is requested under paragraph (1) and the resource advisory committee agrees to the expenditure of funds for this purpose, the Secretary concerned shall conduct environmental review, consultation, or

other compliance responsibilities in accordance with Federal laws (including regulations).

''(3) EFFECT OF REFUSAL TO PAY.—

''(A) IN GENERAL.—If a resource advisory committee does not agree to the expenditure of funds under paragraph (1), the project shall be deemed withdrawn from further consideration by the Secretary concerned pursuant to this title.

''(B) EFFECT OF WITHDRAWAL.—A withdrawal under subparagraph (A) shall be deemed to be a rejection of the project for purposes of section 207(c).

''(c) DECISIONS OF SECRETARY CONCERNED.—

''(1) REJECTION OF PROJECTS.—

''(A) IN GENERAL.—A decision by the Secretary concerned to reject a proposed project shall be at the sole discretion of the Secretary concerned.

''(B) NO ADMINISTRATIVE APPEAL OR JUDICIAL REVIEW.—Notwithstanding any other provision of law, a decision by the Secretary concerned to reject a proposed project shall not be subject to administrative appeal or judicial review.

''(C) NOTICE OF REJECTION.—Not later than 30 days after the date on which the Secretary concerned makes the rejection decision, the Secretary concerned shall notify in writing the resource advisory committee that submitted the proposed project of the rejection and the reasons for rejection.

''(2) NOTICE OF PROJECT APPROVAL.—The Secretary concerned shall publish in the Federal Register notice of each project approved under subsection (a) if the notice would be required had the project originated with the Secretary.

''(d) SOURCE AND CONDUCT OF PROJECT.—Once the Secretary concerned accepts a project for review under section 203, the acceptance shall be deemed a Federal action for all purposes.

''(e) IMPLEMENTATION OF APPROVED PROJECTS.—

''(1) COOPERATION.—Notwithstanding chapter 63 of title 31, United States Code, using project funds the Secretary concerned may enter into contracts, grants, and cooperative agreements with States and local governments, private and nonprofit entities, and landowners and other persons to assist the Secretary in carrying out an approved project.

''(2) BEST VALUE CONTRACTING.—

''(A) IN GENERAL.—For any project involving a contract authorized by paragraph (1) the Secretary concerned may elect a source for performance of the contract on a best value basis.

''(B) FACTORS.—The Secretary concerned shall determine best value based on such factors as—

''(i) the technical demands and complexity of the work to be done;

''(ii)(I) the ecological objectives of the project; and

''(II) the sensitivity of the resources being treated;

''(iii) the past experience by the contractor with the type of work being done, using the type of equipment proposed for the project, and meeting or exceeding desired ecological conditions; and

''(iv) the commitment of the contractor to hiring highly qualified workers and local residents.

''(3) MERCHANTABLE TIMBER CONTRACTING PILOT PROGRAM.—

''(A) ESTABLISHMENT.—The Secretary concerned shall establish a pilot program to implement a certain percentage of approved projects involving the sale of merchantable timber using separate contracts for—

''(i) the harvesting or collection of merchantable timber; and

''(ii) the sale of the timber.

''(B) ANNUAL PERCENTAGES.—Under the pilot program, the Secretary concerned shall ensure that, on a nationwide basis, not less than the following percentage of all approved projects involving the sale of merchantable timber are implemented using separate contracts:

''(i) For fiscal year 2008, 35 percent.

''(ii) For fiscal year 2009, 45 percent.

''(iii) For each of fiscal years 2010 and 2011, 50 percent.

''(C) INCLUSION IN PILOT PROGRAM.—The decision whether to use separate contracts to implement a project involving the sale of merchantable timber shall be made by the Secretary concerned after the approval of the project under this title.

''(D) ASSISTANCE.—

''(i) IN GENERAL.—The Secretary concerned may use funds from any appropriated account available to the Secretary for the Federal land to assist in the administration of projects conducted under the pilot program.

''(ii) MAXIMUM AMOUNT OF ASSISTANCE.—The total amount obligated under this subparagraph may not exceed $1,000,000 for any fiscal year during which the pilot program is in effect.

''(E) REVIEW AND REPORT.—

''(i) INITIAL REPORT.—Not later than September 30, 2010, the Comptroller General shall submit to the Committees on Agriculture, Nutrition, and Forestry and Energy and Natural Resources of the Senate and the Committees on Agriculture and Natural Resources of the House of Representatives a report assessing the pilot program.

(ii) ANNUAL REPORT.—The Secretary concerned shall submit to the Committees on Agriculture, Nutrition, and Forestry and Energy and Natural Resources of the Senate and the Committees on Agriculture and Natural Resources of the House of Representatives an annual report describing the results of the pilot program.

''(f) REQUIREMENTS FOR PROJECT FUNDS.—The Secretary shall ensure that at least 50 percent of all project funds be used for projects that are primarily dedicated—

''(1) to road maintenance, decommissioning, or obliteration; or

''(2) to restoration of streams and watersheds.

''SEC. 205. RESOURCE ADVISORY COMMITTEES.

''(a) ESTABLISHMENT AND PURPOSE OF RESOURCE ADVISORY COMMITTEES.—

''(1) ESTABLISHMENT.—The Secretary concerned shall establish and maintain resource advisory committees to perform the duties in subsection (b), except as provided in paragraph (4).

''(2) PURPOSE.—The purpose of a resource advisory committee shall be—

''(A) to improve collaborative relationships; and

''(B) to provide advice and recommendations to the land management agencies consistent with the purposes of this title.

''(3) ACCESS TO RESOURCE ADVISORY COMMITTEES.—To ensure that each unit of Federal land has access to a resource advisory committee, and that there is sufficient interest in participation on a committee to ensure that membership can be balanced in terms of the points of view represented and the functions to be performed, the Secretary concerned may establish resource advisory committees for part of, or 1 or more, units of Federal land.

''(4) EXISTING ADVISORY COMMITTEES.—

''(A) IN GENERAL.—An advisory committee that meets the requirements of this section, a resource advisory committee established before September 29, 2006, or an advisory committee determined by the Secretary concerned before September 29, 2006, to meet the requirements of this section may be deemed by the Secretary concerned to be a resource advisory committee for the purposes of this title.

''(B) CHARTER.—A charter for a committee described in subparagraph (A) that was filed on or before September 29, 2006, shall be considered to be filed for purposes of this Act.

''(C) BUREAU OF LAND MANAGEMENT ADVISORY COMMITTEES.—The Secretary of the Interior may deem a resource advisory committee meeting the requirements of subpart 1784 of part 1780 of title 43, Code of Federal Regulations, as a resource advisory committee for the purposes of this title.

''(b) DUTIES.—A resource advisory committee shall—

''(1) review projects proposed under this title by participating counties and other persons;

''(2) propose projects and funding to the Secretary concerned under section 203;

''(3) provide early and continuous coordination with appropriate land management agency officials in recommending projects consistent with purposes of this Act under this title;

''(4) provide frequent opportunities for citizens, organizations, tribes, land management agencies, and other interested parties to participate openly and meaningfully, beginning at the early stages of the project development process under this title;

''(5)(A) monitor projects that have been approved under section 204; and

''(B) advise the designated Federal official on the progress of the monitoring efforts under subparagraph (A); and

''(6) make recommendations to the Secretary concerned for any appropriate changes or adjustments to the projects being monitored by the resource advisory committee.

''(c) APPOINTMENT BY THE SECRETARY.—

''(1) APPOINTMENT AND TERM.—

''(A) IN GENERAL.—The Secretary concerned, shall appoint the members of resource advisory committees for a term of 4 years beginning on the date of appointment.

''(B) REAPPOINTMENT.—The Secretary concerned may reappoint members to subsequent 4–year terms.

''(2) BASIC REQUIREMENTS.—The Secretary concerned shall ensure that each resource advisory committee established meets the requirements of subsection (d).

''(3) INITIAL APPOINTMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary concerned shall make initial appointments to the resource advisory committees.

''(4) VACANCIES.—The Secretary concerned shall make appointments to fill vacncies on any resource advisory committee as soon as practicable after the vacancy has occurred.

''(5) COMPENSATION.—Members of the resource advisory committees shall not receive any compensation.

''(d) COMPOSITION OF ADVISORY COMMITTEE.—

''(1) NUMBER.—Each resource advisory committee shall be comprised of 15 members.

''(2) COMMUNITY INTERESTS REPRESENTED.—Committee members shall be representative of the interests of the following 3 categories:

''(A) 5 persons that—

''(i) represent organized labor or non-timber forest product harvester groups;

''(ii) represent developed outdoor recreation, off highway vehicle users, or commercial recreation activities;

''(iii) represent—

''(I) energy and mineral development interests; or

''(II) commercial or recreational fishing interests;

''(iv) represent the commercial timber industry; or

''(v) hold Federal grazing or other land use permits, or represent nonindustrial private

forest land owners, within the area for which the committee is organized.

''(B) 5 persons that represent—

''(i) nationally recognized environmental organizations;

''(ii) regionally or locally recognized environmental organizations;

''(iii) dispersed recreational activities;

''(iv) archaeological and historical interests; or

''(v) nationally or regionally recognized wild horse and burro interest groups, Wildlife or hunting organizations, or watershed associations.

''(C) 5 persons that—

''(i) hold State elected office '(or a designee);

''(ii) hold county or local elected office;

''(iii) represent American Indian tribes within or adjacent to the area for which the committee is organized;

''(iv) are school officials or teachers; or

''(v) represent the affected public at large.

''(3) BALANCED REPRESENTATION.—In appointing committee members from the 3 categories in paragraph (2), the Secretary concerned shall provide for balanced and broad representation from within each category.

''(4) GEOGRAPHIC DISTRIBUTION.—The members of a resource advisory committee shall reside within the State in which the committee has jurisdiction and, to extent practicable, the Secretary concerned shall ensure local representation in each category in paragraph (2).

''(5) CHAIRPERSON.—A majority on each resource advisory committee shall select the chairperson of the committee.

''(e) APPROVAL PROCEDURES.—

''(1) IN GENERAL.—Subject to paragraph ''(3), each resource advisory committee shall establish procedures for proposing projects to the Secretary concerned under this title.

''(2) QUORUM.—A quorum must be present to constitute an official meeting of the committee.

''(3) APPROVAL BY MAJORITY OF MEMBERS.—A project may be proposed by a resource advisory committee to the Secretary concerned under section 203(a), if the project has been approved by a majority of members of the committee from each of the 3 categories in subsection (d)(2).

''(f) OTHER COMMITTEE AUTHORITIES AND REQUIREMENTS.—

''(1) STAFF ASSISTANCE.—A resource advisory committee may submit to the Secretary concerned a request for periodic staff assistance from Federal employees under the jurisdiction of the Secretary.

''(2) MEETINGS.—All meetings of a resource advisory committee shall be announced at least 1 week in advance in a local newspaper of record and shall be open to the public.

''(3) RECORDS.—A resource advisory committee shall maintain records of the meetings of the committee and make the records available for public inspection.

''SEC. 206. USE OF PROJECT FUNDS.

''(a) AGREEMENT REGARDING SCHEDULE AND COST OF PROJECT.—

''(1) AGREEMENT BETWEEN PARTIES.—The Secretary concerned may carry out a project submitted by a resource advisory committee under section 203(a) using project funds or other funds described in section 203(a)(2), if, as soon as practicable after the issuance of a decision document for the project and the exhaustion of all administrative appeals and judicial review of the project decision, the Secretary concerned and the resource advisory committee enter into an agreement addressing, at a minimum, the following:

''(A) The schedule for completing the project.

''(B) The total cost of the project, including the level of agency overhead to be assessed against the project.

''(C) For a multiyear project, the estimated cost of the project for each of the fiscal years in which it will be carried out

''(D) The remedies for failure of the Secretary concerned to comply with the terms of the agreement consistent with current Federal law.

''(2) LIMITED USE OF FEDERAL FUNDS.—The Secretary concerned may decide, at the sole discretion of the Secretary concerned, to cover the costs of a portion of an approved project using Federal funds appropriated or otherwise available to the Secretary for the same purposes as the project

''(b) TRANSFER OF PROJECT FUNDS.—

''(1) INITIAL TRANSFER REQUIRED.—As soon as practicable after the agreement is reached under subsection (a) with regard to a project to be funded in whole or in part using project funds, or other funds described in section 203(a)(2), the Secretary concerned shall transfer to the applicable unit of National Forest System land or Bureau of Land Management District an amount of project funds equal to—

''(A) in the case of a project to be completed in a single fiscal year, the total amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2); or

''(B) in the case of a multiyear project, the amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2) for the first fiscal year.

''(2) CONDITION ON PROJECT COMMENCEMENT.—The unit of National Forest System land or Bureau of Land Management District concerned, shall not commence a project until the project funds, or other funds described in section 203(a)(2) required to be transferred under paragraph (1) for the project, have been made available by the Secretary concerned.

''(3) SUBSEQUENT TRANSFERS FOR MULTIYEAR PROJECTS.—

''(A) IN GENERAL.—For the second and subsequent fiscal years of a multiyear project to be funded in whole or in part using project funds, the unit of National Forest System land or Bureau of Land Management District concerned shall use the amount of project funds required to continue the project in that fiscal year according to the agreement entered into under subsection (a).

''(B) SUSPENSION OF WORK.—The Secretary concerned shall suspend work on the project if the project funds required by the agreement in the second and subsequent fiscal years are not available.

''SEC. 207. AVAILABILITY OF PROJECT FUNDS.

''(a) SUBMISSION OF PROPOSED PROJECTS TO OBLIGATE FUNDS.—By September 30, 2008 (or as soon thereafter as the Secretary concerned determines is practicable), and each September 30 thereafter for each succeeding fiscal year through fiscal year 2011, a resource advisory committee shall submit to the Secretary concerned pursuant to section 203(a)(1) a sufficient number of project proposals that, if approved, would result in the obligation of at least the full amount of the project funds reserved by the participating county in the preceding fiscal year.

''(b) USE OR TRANSFER OF UNOBLIGATED FUNDS.—Subject to section 208, if a resource advisory committee fails to comply with subsection (a) for a fiscal year, any project funds reserved by the participating county in the preceding fiscal year and remaining unobligated shall be available for use as part of the project submissions in the next fiscal year.

''(c) EFFECT OF REJECTION OF PROJECTS.—Subject to section 208, any project funds reserved by a participating county in the preceding fiscal year that are unobligated at the end of a fiscal year because the Secretary concerned has rejected one or more proposed projects shall be available for use as part of the project submissions in the next fiscal year.

''(d) EFFECT OF COURT ORDERS.—

''(1) IN GENERAL.—If an approved project under this Act is enjoined or prohibited by a Federal court, the Secretary concerned shall return the unobligated project funds related to the project to the participating county or counties that reserved the funds.

''(2) EXPENDITURE OF FUNDS.—The returned funds shall be available for the county to expend in the same manner as the funds reserved by the county under subparagraph (B) or (C)(i) of section 102(d)(1).

''SEC. 208. TERMINATION OF AUTHORITY.

''(a) IN GENERAL.—The authority to initiate projects under this title shall terminate on September 30, 2011.

''(b) DEPOSITS IN TREASURY.—Any project funds not obligated by September 30, 2012, shall be deposited in the Treasury of the United States.

''TITLE III—COUNTY FUNDS

''SEC. 301. DEFINITIONS.

''In this title:

''(1) COUNTY FUNDS.—The term ''county funds'' means all funds an eligible county elects under section 102(d) to reserve for expenditure in accordance with this title.

''(2) PARTICIPATING COUNTY.—The term ''participating county'' means an eligible county that elects under section 102(d) to expend a portion of the Federal funds received under section 102 in accordance with this title.

''SEC. 302. USE.

''(a) AUTHORIZED USES.—A participating county, including any applicable agencies of the participating county, shall use county funds, in accordance with this title, only—

''(1) to carry out activities under the Firewise Communities program to provide to homeowners in fire-sensitive ecosystems education on, and assistance with implementing, techniques in home siting, home construction, and home landscaping that can increase the protection of people and property from wildfires;

''(2) to reimburse the participating county for search and rescue and other emergency services, including firefighting, that are—

''(A) performed on Federal land after the date on which the use was approved under subsection (b);

''(B) paid for by the participating county; and

''(3) to develop community wildfire protection plans in coordination with the appropriate Secretary concerned.

''(b) PROPOSALS.—A participating county shall use county funds for a use described in subsection (a) only after a 45-day public comment period, at the beginning of which the participating county shall—

''(1) publish in any publications of local record a proposal that describes the proposed use of the county funds; and

''(2) submit the proposal to any resource advisory committee established under section 205 for the participating county.

''SEC. 303. CERTIFICATION.

''(a) IN GENERAL.—Not later than February 1 of the year after the year in which any county funds were expended by a participating county, the appropriate official of the participating county shall submit to the Secretary concerned a certification that the county funds expended in the applicable year have been used for the uses authorized under section 302(a), including a description of the amounts expended and the uses for which the amounts were expended.

''(b) REVIEW.—The Secretary concerned shall review the certifications submitted

under subsection (a) as the Secretary concerned determines to be appropriate.

"SEC. 304. TERMINATION OF AUTHORITY.

''(a) IN GENERAL.—The authority to initiate projects under this title terminates on September 30, 2011.

''(b) AVAILABILITY.—Any county funds not obligated by September 30, 2012, shall be returned to the Treasury of the United States.

''TITLE IV—MISCELLANEOUS PROVISIONS

"SEC. 401. REGULATIONS.

''The Secretary of Agriculture and the Secretary of the Interior shall issue regulations to carry out the purposes of this Act.

"SEC. 402. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as are necessary to carry out this Act for each of fiscal years 2008 through 2011.

"SEC. 403. TREATMENT OF FUNDS AND REVENUES.

''(a) RELATION TO OTHER APPROPRIATIONS.—Funds made available under section 402 and funds made available to a Secretary concerned under section 206 shall be in addition to any other annual appropriations for the Forest Service and the Bureau of Land Management.

''(b) DEPOSIT OF REVENUES AND OTHER FUNDS.—All revenues generated from projects pursuant to title II, including any interest accrued from the revenues, shall be deposited in the Treasury of the United States.''.

(b) FOREST RECEIPT PAYMENTS TO ELIGIBLE STATES AND COUNTIES.—

(1) ACT OF MAY 23, 1908.—The sixth paragraph under the heading ''FOREST SERVICE'' in the Act of May 23, 1908 (16 U.S.C. 500) is amended in the first sentence by striking ''twenty-five percentum'' and all that follows through ''shall be paid'' and inserting the following: ''an amount equal to the annual average of 25 percent of all amounts received for the applicable fiscal year and each of the preceding 6 fiscal years from each national forest shall be paid''.

(2) WEEKS LAW.—Section 13 of the Act of March 1, 1911 (commonly known as the ''Weeks Law'') (16 U.S.C. 500) is amended in the first sentence by striking ''twenty-five percentum'' and all that follows through ''shall be paid'' and inserting the following: ''an amount equal to the annual average of 25 percent of all amounts received for the applicable fiscal year and each of the preceding 6 fiscal years from each national forest shall be paid''.

(c) PAYMENTS IN LIEU OF TAXES.—

(1) IN GENERAL.—Section 6906 of title 31, United States Code, is amended to read as follows:

"§ 6906. Funding

''For each of fiscal years 2008 through 2012—

''(1) each county or other eligible unit of local government shall be entitled to payment under this chapter; and

''(2) sums shall be made available to the Secretary of the Interior for obligation or expenditure in accordance with this chapter.''.

(2) CONFORMING AMENDMENT.—The table of sections for chapter 69 of title 31, United States Code, is amended by striking the item relating to section 6906 and inserting the following:

''6906. Funding.''.

(3) BUDGET SCOREKEEPING.—

(A) IN GENERAL.—Notwithstanding the Budget Scorekeeping Guidelines and the accompanying list of programs and accounts set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217, the section in this title regarding Payments in Lieu of Taxes shall be treated in the baseline for purposes of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002), and by the Chairmen of the House and Senate Budget Committees, as appropriate, for purposes of budget enforcement in the House and Senate, and under the Congressional Budget Act of 1974 as if Payment in Lieu of Taxes (14–1114–0–1–806) were an account designated as Appropriated Entitlements and Mandatories for Fiscal Year 1997 in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217.

(B) EFFECTIVE DATE.—This paragraph shall remain in effect for the fiscal years to which the entitlement in section 6906 of title 31, United States Code (as amended by paragraph (1)), applies.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

Mr. ARCURI. I yield back the balance of my time and I move the previous question on the resolution.

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

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

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

The yeas and nays were ordered.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would announce that the Chair's earlier announcement regarding roll-call number 641 was mistaken.

Thus, the correct number of ''aye'' votes is 414.

MAKE AMERICA'S R&D TAX CREDIT PERMANENT

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

Mr. SALI. Madam Speaker, it has come to my attention that France, long regarded as a bastion of protectionism, actually features some of the world's most inviting research and development tax credits. These credits are open to any company, whether they are American or French, and cover half of research costs up to 100 million euros.

It is a sad state of affairs when American companies can't budget for long-term research costs because Congress has failed to make the R&D tax credit permanent, yet France offers impressive tax credits across the Atlantic to do the same work.

Let's act now to make America's R&D tax credit permanent here in the United States so we will not lose our cutting edge to the Old World.

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 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 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 Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. KAGEN 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. MCHENRY) is recognized for 5 minutes.

(Mr. MCHENRY 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 Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

(Mr. MCDERMOTT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HUMAN TRAFFICKING ON THE NORTHWEST BORDER

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

Mr. SALI. Madam Speaker, the country we live in is far too big to see all at once, and many of us have only heard stories of some of its subcultures, hidden treasures, and the uniqueness of thousands of local communities.

One world that some of us never see is the dark world of human trafficking. Because trafficked persons look just like the rest of us, it is a difficult world to perceive. And yet, this underground global economy in persons is thought to involve as much as $132 billion a year, with profits from its trade reaching over $200 billion.

This sordid culture, to which most of us are happily blind, crosses all national boundaries, including our own. Perhaps the most widely recognized form is sex trafficking of women into prostitution, but we must also recognize the trafficking of migrant workers, who are often deceived into leaving their homelands into forced, brutal labor without travel documents that give them the identity with which to escape. There is also the forcible use of children to beg for street gangs or work in dangerous conditions, and what I think is the most disgusting, the recent trend of Western tourists engaging in child sex tourism, traveling the world looking for children who are being held in prostitution by their captors.

We like to think that we live in a modern and modernizing world, where barbarism is merely a bad memory. Yet, raw evil persists in our time. Ignoring human trafficking only pulls a shade over an already dark practice. But ignoring it makes it no less real and no less horrifying.

The State Department's 2008 Trafficking in Human Persons Report reveals the truth, but sickens us at the same time. The report quotes one self-justifying American schoolteacher about his child sex tourism, ''I'm helping them financially. If they don't have sex with me, they may not have enough food. If someone has a problem with me doing this, let UNICEF feed them.''

America is not great because we are perfect or because we refuse to accept injustice when we see it. Child soldiers, 8-year old prostitutes, domestic slavery, this is all real, and you can read about it in the State Department's report. The problem does not go away when we close our eyes, so it is imperative that we open them and act on this problem.

It's easy to think of this as a Third World problem. The numbers and the brutality are best gazed at from a distance, when we can shake our heads in horror and promptly change the channel to a different station. However, according to the State Department: The U.S. is a destination country for thousands of men, women, and children trafficked largely from East Asia, Mexico, and Central America for the purposes of labor and sexual exploitation. The Trafficking Victims Prevention Act of 2000 has been a great step forward in this fight, its purpose being to punish traffickers, protect victims, and prevent future trafficking.

While the number of prosecutions has gone up and steps clearly have been taken to help the victims, we can make a significant move to prevent trafficking by ensuring that the U.S. is not a destination country. One way to further this goal is to create a Northwest Trafficking Task Force to coordinate these efforts on our Northwestern border, running across Washington, Idaho, and Montana. This thousand-mile border is often patrolled merely on horseback. Without adequate resources, we cannot effectively fight this problem; we must catch it at the border.

We are morally responsible to ensure the God-given dignities of life, liberty, and the pursuit of happiness in this country. We must have the vigilance to keep watch over these freedoms so that no form of human bondage is accepted or ignored.

I humbly ask my colleagues to open their eyes, consider these facts, and stand with me against this horror of human trafficking here at home.

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

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. HOLT 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 addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. SHERMAN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ALTERNATIVE TO WALL STREET BAILOUT

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

Mr. MCCOTTER. Madam Speaker, before I was elected to Congress, we used to hear—and unfortunately with some justification—that when faced with a crisis, Members of Congress would invariably soil themselves, throw money at the problem, and hoped it went away. Unfortunately, in these dysfunctional economic times, we find that this process has continued. As American families face a potential meltdown of the financial sector, we have seen what I believe to be an inappropriate response starting with this administration.

From the time that we were informed that a potential financial meltdown was going to occur, the separate, equal branch of governance, which is the

United States Congress, was told that we had but one alternative, and that if we did not pass it quickly in the time period specified by the executive branch, that our economy would be severely damaged.

It has been my opinion that we were elected to serve in this Congress by the sovereign people of the United States, to make important decisions on their behalf, to do it with our due diligence and our devotion that it's due, and to come up with a positive solution to their situation.

Last night, as I watched the President of the United States explain his view of this, I was struck by the fact that again we were told that if we did not give unlimited amounts of money, up to $700 billion, and unlimited powers—with lack of adequate oversight—to the executive branch, that we were failing in our due diligence and responsibilities to the American people.

I heard the President of the United States say that if we do not support what they put forward as the only alternative to this crisis, we do not understand the need to act. That statement is false. We understand the need to act.

We heard from the President of the United States that if we did not support his plan and the Paulson plan, that we did not care about American families. That statement is false. We care very much about American families.

What we did not hear was a recognition that a three-page document that gives to the Treasury Secretary and the Chairman of the Federal Reserve unlimited powers—the likes of which Stalin and Mao killed people for—was not an acceptable response to give to this separate, equal branch of government.

Today, we are told that House Republicans are standing in the way of a $700 billion use of your tax dollars to bail out the very people who caused this problem. Guilty as charged. House Republicans believe that there is an alternative.

The administration tells us that their first, last, only resort is to go to the taxpayers and bail out Wall Street. We fundamentally disagree with this. What we believe should happen is Wall Street should bail out Wall Street. House Republicans believe that the toxic assets that are clogging up our economy should first attempt to be recapitalized by the people sitting on the sidelines with their money waiting for you, the taxpayer, to be fleeced and put it in so they are confident that the market will work. This is not making the market work.

I heard from the President last night that the free market has failed.

□ 1945

The free market has not failed. The free market is correcting from the bad deeds of actors within that market. It is the government that is trying to interfere in the market for political purposes.

We cannot reinflate the bubble to save the American economy. What we need to do is be responsible and lay forward a private recapitalization plan with appropriate backstop that first and foremost protects the innocent, namely the taxpayers. The people who on Main Street invested and saved and had good credit their entire lives should not be asked to go back in and help the cowboy capitalists who shot themselves in the foot. House Republicans understand this. Just as we understand the need to act quickly, we also understand the need to act appropriately.

This is not an attempt to engage in an argument with the President. I have admiration for the President. And I have supported the President, as have House Republicans, when he has been correct. But he is in error now. House Republicans stood and supported the Petraeus surge so our troops would have victory in Iraq. Today House Republicans oppose the Paulson splurge so that we can have prosperity in America over the long run. And make no mistake. We understand the gravity of this situation. But we will not engage in a rush to judgment that destroys the possibilities of a free market and prosperity for American families for decades to come.

We will not walk out of this room after a forced vote, waving a piece of paper in our hands and claiming ''peace in our time.'' We will do the job we were entrusted. And we will get the job done.

IT IS IMPRUDENT FOR CONGRESS TO RUSH TO BAIL OUT WALL STREET

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

Mr. GARRETT of New Jersey. As the gentleman just explained, the dilemma that we are in and where the proper recourse or result should go to at this point and what the solution that has been presented us is not the correct solution, and that alternatives such as allowing the free market to develop, lowering taxes on capital gains and the like, allowing the private sector to develop an alternative, which has already occurred through the RSC and other forms here in the Republican Conference, is perhaps the better avenue to pursue.

Let me, though, take the next 3 or 4 minutes to answer the question that many in the American public are asking tonight, how in the world did we ever get here?

Well, many financial analysts will tell you that the underpinnings of the problems that we are facing today in the credit markets on Wall Street that are affecting the homeowners on Main Street go back a number of years and apply to the situation with the GSEs, that is Fannie Mae and Freddie Mac. And the suggestion is that had they been appropriately regulated over the years, we would not be in this severe financial crisis that we are in today.

So who was raising those red flags years ago to say what should have been done? Well if we go back, let's see, 1, 2, 3, 4, 5, 6 years to 2001, in fact it was the Bush administration that began raising some red flags. In 2002 in their budget request they declared that the size of Fannie and Freddie is ''a potential problem'' and could cause financial trouble and either one of them could cause strong repercussions in the financial markets. That was back in 2002.

2003 is when I joined Congress and served on the Financial Services Committee. I immediately began to call for a step-up in regulations of Fannie and Freddie. The White House was at the same time doing the same thing. They said in 2003, the White House was warning about Fannie Mae and Freddie Mac that they needed an upgrade in what we call world-class regulation to address something called systemic risk, a risk that could spread beyond just the housing sector. In the fall of 2003 the administration was pushing Congress hard to create a new Federal agency to regulate and to supervise both Fannie and Freddie, these government-sponsored entities. They and I and other Members from our side of the aisle said that we need a strong world-class regulator to oversee their operations of their safety and soundness.

As a matter of fact, I recall a hearing when the then-Secretary of the Treasury, Secretary Snow, came in. And he made that point as well. But I also remember him getting a lot of pushback from both sides of the aisle, but also from the gentleman who is now the chairman of the Financial Services Committee. It was back on September 25, 2003, when he was in the minority at that time, but he is now the chairman of the Financial Services Committee today, Barney Frank said ''there are people in the country who are prepared to lend money to Fannie Mae and Freddie Mac at less interest rates than they might get elsewhere. I thank those people for doing that. I must tell them that I hope that they are not doing that on the assumption that if things go bad, I or my colleagues will bail them out. We will not.''

Well the legislation that has come through in July did exactly that, bailed them out to the tune of over $200 billion. The legislation that the gentleman who just came before me just spoke about will be bailing out the financial industry to the tune of $700 billion.

Mr. FRANK goes on to say, ''I think it is clear that Fannie Mae and Freddie Mac are sufficiently secure so they are in no great danger.''

Well of course we see what has happened to them. We just had a hearing on them today. And they are now in conservatorship. They were in great danger. They were in danger of systemic risk, which has eventually brought them down.

He also said on that day, ''I don't think we face a crisis. I don't think we have an impending disaster.'' We all just heard the President of the United States on TV last night. He described the crisis that the United States is in right now. Whether you call that an impending disaster, whether we take action or not, I don't know whether Mr. FRANK would say or those who pushed back to Mr. Snow, who pushed back to the administration, who pushed back to those of us on this side of the aisle that said we need to move forward and try to address the issue of systemic risk.

Unfortunately those efforts did not come about. We never got the world-class regulator in over the GSEs until it was too late. And now we are left with the situation at hand.

The gentleman who came before spoke of the dilemma that we are faced with, a Hobbesian choice of sorts is the way it was presented last night: Either you do this or everything will fall apart. Well we suggest that there is an alternative to the proposal that the administration has proposed. We humbly suggest that alternative should be considered in a thoughtful and thought-out process, not one that is a rush to judgment, not one that would put the American taxpayer on the hook, one that would ask the private sector to take their lead and take their step in the process as well.

We would ask for the time in order to engage in the process.

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

(Mr. PENCE 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. GOHMERT) is recognized for 5 minutes.

(Mr. GOHMERT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

IT IS INAPPROPRIATE TO TURN OVER OUR ECONOMIC SYSTEM TO THE GOVERNMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Madam Speaker, I feel certain that some of my colleagues have already broached the issue of the topic that has been consuming us around here for the last 4 days, and that has been the topic that is most being discussed on the news and I think by many Americans. I know that in speaking to my colleagues on both sides of the aisle, that we have all received many, many telephone calls about the issue of our economy. And again it is very much on our minds and it is the thing that is pretty much dominating everyone's thinking.

I came tonight because last night I talked a little bit about the situation that we have and my concern about the blame game. Ever since there was the announcement that we have a problem with our economy that the President and Secretary of Treasury have announced that we need to do something drastic about our economy, there have been a lot of people pointing fingers. We've heard a lot, particularly from the Democrats, saying that this is a Republican problem, you deal with it. But as we see more and more in the news and more and more in documents, we learn that Republicans and even nonpartisan people such as Alan Greenspan when he was chairman of the Federal Reserve warned that something needed to be done about this situation or we were going to very much be in the situation that we find ourselves in and that the root of this problem was the problem with the two agencies called Fannie Mae and Freddie Mac. These are agencies that were set up many years ago to deal with helping people who were low-income people or disadvantaged people or minorities get low-income loans and be able to buy homes.

We've learned again a great deal about the fact that there was insufficient oversight of those two agencies, and that when Republicans raised the issue of better oversight, more effective oversight, they were often blocked. There was an article in Friday's Washington Post by Al Hubbard and Noam Neusner entitled ''Where Was Senator Dodd?'' And the subheadlines, ''Playing the Blame Game on Fannie and Freddie.'' I would like to submit the entire article. I'm not going to read it all.

Madam Speaker, let me just read a bit of it. ''Taxpayers face a tab of as much as $200 billion for a government takeover of Fannie Mae and Freddie Mac, the formerly semi-autonomous mortgage finance clearinghouses. And Senator Christopher Dodd, the Democratic chairman of the Senate Banking Committee, has the gall to ask in a Bloomberg Television interview, ''I have a lot of questions about where was the administration over the last 8 years.

''We will save the senator some trouble. Here is what we saw firsthand at the White House from late 2002 to 2007: Starting in 2002, White House and Treasury Department economic policy staffers, with support from then-Chief of Staff Andy Card, began to press for meaningful reforms of Fannie, Freddie and other government-sponsored enterprises.''

And then it goes on to talk about it. And it chronicles all of the problems that were put up to the administration when they brought these issues up. There are many, many other articles that are out, as I said, talking about this.

Now, I am not one who is in favor of the plan that was brought to us by Secretary Paulson at the beginning of this week. Many of us here really believe in this country, and we believe in the principles that undergird this country. They are the rule of law, our Judeo-Christian heritage and capitalism. Those are the things that have made our country great. And it is not appropriate to turn over our economic system to the government.

[From the Washington Post, Sept. 12, 2008]

WHERE WAS SEN. DODD?

(By Al Hubbard and Noam Neusner)

Taxpayers face a tab of as much as $200 billion for a government takeover of Fannie Mae and Freddie Mac, the formerly semi-autonomous mortgage finance clearinghouses. And Sen. Christopher Dodd, the Democratic chairman of the Senate Banking Committee, has the gall to ask in a Bloomberg Television interview: ''I have a lot of questions about where was the administration over the last eight years.''

We will save the senator some trouble. Here is what we saw firsthand at the White House from late 2002 through 2007: Starting in 2002, White House and Treasury Department economic policy staffers, with support from then-Chief of Staff Andy Card, began to press for meaningful reforms of Fannie, Freddie and other government-sponsored enterprises (GSEs).

The crux of their concern was this: Investors believed that the GSEs were government-backed, so shouldn't the GSEs also be subject to meaningful government supervision?

This was not the first time a White House had tried to confront this issue. During the Clinton years, Treasury Secretary Larry Summers and Treasury official Gary Gensler both spoke out on the issue of Fannie and Freddie's investment portfolios, which had already begun to resemble hedge funds with risky holdings. Nor were others silent: As chairman of the Federal Reserve, Alan Greenspan regularly warned about the risks posed by Fannie and Freddie's holdings.

President Bush was receptive to reform. He withheld nominees for Fannie and Freddie's boards—a presidential privilege. While it would have been valuable politically to use such positions to reward supporters, the president put good policy above good politics.

In subsequent years, officials at Treasury and the Council of Economic Advisers (especially Chairmen Greg Mankiw and Harvey Rosen) pressed for the following: Requiring Fannie and Freddie to submit to regulations of the Securities and Exchange Commission; to adopt financial accounting standards; to follow bank standards for capital requirements; to shrink their portfolios of assets from risky levels; and empowering regulators such as the Office of Federal Housing Oversight to monitor the firms.

The administration did not accept half measures. In 2005, Republican Mike Oxley, then chairman of the House Financial Services Committee, brought up a reform bill (H.R. 1461), and Fannie and Freddie's lobbyists set out to weaken it. The bill was rendered so toothless that Card called Oxley the night before markup and promised to oppose it. Oxley pulled the bill instead.

During this period, Sen. Richard Shelby led a small group of legislators favoring reform, including fellow Republican Sens. John Sununu, Chuck Hagel and Elizabeth Dole. Meanwhile, Dodd—who along with Democratic Sens. John Kerry, Barack Obama and Hillary Clinton were the top four recipients of Fannie and Freddie campaign contributions from 1988 to 2008—actively opposed such measures and further weakened existing regulations.

The president's budget proposals reflected the nature of the challenge. Note the following passage from the 2005 budget: Fannie, Freddie and other GSEs ''are highly leveraged, holding much less capital in relation to their assets than similarly sized financial institutions. . . . A misjudgment or unexpected economic event could quickly deplete this capital, potentially making it difficult for a GSE to meet its debt obligations. Given the very large size of each enterprise, even a small mistake by a GSE could have consequences throughout the economy.''

That passage was published in February 2004. Dodd can find it on Page 82 of the budget's Analytical Perspectives.

The administration not only identified the problem, it also recommended a solution. In June 2004, then-Deputy Treasury Secretary Samuel Bodman said: ''We do not have a world-class system of supervision of the housing government-sponsored enterprises (GSEs), even though the importance of the housing financial system that the GSEs serve demands the best in supervision.''

Bush got involved in the effort personally, speaking out for the cause of reform: ''Congress needs to pass legislation strengthening the independent regulator of government-sponsored enterprises like Freddie Mac and Fannie Mae, so we can keep them focused on the mission to expand home ownership,'' he said in December. He even mentioned GSE reform in this year's State of the Union address.

How did Fannie and Freddie counter such efforts? They flooded Washington with lobbying dollars, doled out tens of thousands in political contributions and put offices in key congressional districts. Not surprisingly, these efforts worked. Leaders in Congress did not just balk at proposals to rein in Fannie and Freddie. They mocked the proposals as unserious and unnecessary.

Rep. Barney Frank (D–Mass.) said the following on Sept. 11, 2003: ''We see entities that are fundamentally sound financially. . . . And even if there were a problem, the federal government doesn't bail them out.''

Sen. Thomas Carper (D–Del.), later that year: ''If it ain't broke, don't fix it.''

As recently as last summer, when housing prices had clearly peaked and the mortgage market had started to seize up, Dodd call on Bush to ''immediately reconsider his ill-advised'' reform proposals. Frank, now chairman of the House Financial Services Committee, said that the president's suggestion for a strong, independent regulator of Fannie and Freddie was ''inane.''

Sen. Dodd wonders what the Bush administration did to address the risks of Fannie and Freddie. Now, he knows. The real question is: Where was he?

AMERICA NEEDS REAL FINANCIAL REFORM, NOT A BAILOUT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, I would like to place in the RECORD the measuring sticks against which I will weigh any proposal brought before this Congress to bail out Wall Street investment houses.

Number one, financial reform must come first. America needs reform, not a bailout. Over the last 20 years, legislation has been passed by this Congress, H.R. 1278 in 1989 called FIRREA, interstate banking in 1994 which created those big mega banks, and H.R. 10/S. 900 in 1999, which overturned the Glass-Steagall Act that allowed banking, real estate and insurance all to be under the roof of the same firm.

Well all those bills together have created a highly concentrated financial system, particularly in housing finance, rather than a decentralized one like that which we had for most of the 20th century. This bailout is the result of high-risk misbehavior by distant financial giants. They have sucked equity out of local communities and turned local markets into derivative, debt-ridden communities rather than independent, robust, credit markets with prudent savings and lending practices.

Reform should restore those prudent and transparent banking practices defining the difference between banks and investment houses and protecting and restoring the protections that existed prior to 1999 when that Glass-Steagall Act was eliminated. Conflicts of interest at bond rating agencies should be addressed by such agencies becoming public. Reform, as I say, and regulation should come first out the door before the money, not later.

□ 2000

Number two, Main Street housing market deflation must be stabilized as step one. A moratorium should be placed on all home foreclosures for 120 days. That will take us into the new year. And deflation in the housing market really is what has triggered this credit crunch. The Federal Reserve could use its influence through its regionalized structure to bring parties together to work out affected loans in places like Ohio to stabilize local real estate and housing markets. That is where the real assets are and where the markets must clear and adjust.

What a crime it would be if people are thrown out of their homes and an institution somewhere over in England like Barclays becomes the owner of those assets and gets them at fire-sale prices. We need to put those assets back in the hands of the American people.

The traditional home loan backed by savings deposits was converted into a bond during the 1990s and then securitized into those international markets. The time-tested loan standards of character, collateral and collectibility were shelved, and therefore to reform this system it must be decentralized again, with the community savings and home loan bank system being reestablished with an emphasis on increasing savings deposits with enhanced local mortgage origination and oversight, as opposed to concentration of activity in Wall Street investment houses.

Number three, a new Financial Assets Management Board should be formed to manage this mortgage refinancing and workouts at the local level, similar to FDR's Homeowner Loan Corporation.

Fourth, the Department of Justice should be authorized to investigate the wrongdoers, to track down the fraud, misrepresentation of asset value, insider trading and related crimes in this scandal. There should be over 500 attorneys and accountants and support staff to conduct thorough investigations, forensic accounting and prosecution.

Fifth, any Federal dollar that is expended must result in equity to our taxpayers. If our people are going to be forced to fund unlimited private sector bad debt, our people must receive an equity share in every Wall Street financial company proportional to the amount of bad debt held that is shifted to the taxpayer.

Our people are being asked to take 100 percent of the risk. They should be afforded the benefit of any future profits. A 0.25 percent transaction fee should be charged on every Wall Street trade or Chicago Board of Trade transaction, and that $150 billion a year that will be yielded should pay the American people back over time.

Sixth, a select congressional committee should be established to hold hearings, do proper oversight and advise the next President and Congress on mortgage and financial recovery operations and additional means to assure any necessary repayment of public investment.

Seven, standards for executives and compensation structure in the financial services industry should be established. Those outlandish salaries that they get should be curbed, and all bonuses, stock options and exceptional compensation for those individuals and their boards of directors should be discouraged. We should help to pay the bill by going after some of their assets.

Finally, Madam Speaker, I would like to place this in the RECORD, and also include bankruptcy reform as one of the major changes that we need to make in any measure. These are the steps that would actually result in market recovery, not just bailing out unknown assets and bad debts from Wall Street.

KAPTUR: REAL REFORM OR NOTHING—FINANCIAL REFORM MUST COME FIRST

America needs real financial reform first, not a bailout. Over the last 20 years, legislation passed by Congress (HR 1278 in 1989, HR 3841 in 1994, and HR 10/S 900 in 1999) has highly concentrated financial activities on Wall Street—particularly housing finance—rather than decentralized them. This bailout is the result of high risk misbehavior by distant financial giants. They have sucked equity out of local communities and turned local markets into derivative, debt-ridden communities rather than independent robust credit markets with prudent savings and lending practices.

Such reform should restore prudent and transparent banking practices. Reform of the deregulated financial structure should start with defining the difference between banks and investment houses and restoring protection that existed prior to 1999 when the Glass-Steagall Act was eliminated. Each should have defined activities and be regulated separately.

Conflicts of interest at bond rating agencies should be addressed by such agencies becoming public.

Reform and regulation should come first, not later. Franklin Delano Roosevelt invented the basic framework that served

America well for the last century. Congress should adapt it to current challenges on a Jeffersonian model, not the proposed Hamiltonian approach.

MAIN STREET HOUSING MARKET DEFLATION MUST BE STABILIZED AS STEP ONE

Legislation should mandate a moratorium on all home foreclosures for 120 days. Deflation in the housing market has triggered this credit crunch. The Federal Reserve must use its influence through its regionalized structure to bring parties together to work out affected loans to stabilize local real estate and housing markets. That is where the real assets are and where the market must clear and adjust. Before the Federal Reserve and Treasury, or its consultants, can foreclose upon any home, it must first certify under criminal penalty that a workout was attempted with the mortgage. A workout certification on every home will be required. Additionally, a 120-day moratorium will drastically reduce the amount of capital needed. Otherwise, millions more of our citizens will be foreclosed and financial giants like Barclay's will pick up local real estate at fire sale prices.

The cowboy banking that accelerated in the last 20 years concentrated financial power on Wall Street and huge regional mega-banks. The traditional home loan, backed by savings deposits, was converted into a bond that was securitized into international markets. The time tested loan standards of character, collateral, and collectibility were shelved. They must be restored. To reform the system, it must be decentralized, with the community savings and home loan bank system being reestablished, with an emphasis on increasing savings deposits, enhanced local mortgage origination and oversight, as opposed to concentration of activity in Wall Street investment houses. These local institutions should be empowered to do workouts and supported through any housing finance provided. The federal incentives for savings and home loan institutions, as existed pre-FIRREA, should be restored.

In a letter to Congress the CEO of BB&T states, ''The primary beneficiaries of the proposed rescue are Goldman Sachs and Morgan Stanley.'' This is essentially unfair and improperly focused. Attention must be placed on restoring value to local housing real estate markets.

A NEW FINANCIAL ASSETS MANAGEMENT BOARD SHOULD BE FORMED TO MANAGE MORTGAGE REFINANCING AND WORKOUTS (SIMILAR TO FDR'S HOME OWNER LOAN CORPORATION)

Board Members: Secretary of Treasury, Federal Reserve Chairman, Comptroller General of the United States, Appointees of House Speaker, House Minority Leader, Senate Majority Leader, and Senate Minority Leader, Appointee from the States Attorneys General, U.S. Attorney General.

DEPARTMENT OF JUSTICE SHOULD BE AUTHORIZED TO INVESTIGATE

Creation of a Special Prosecutor position at the U.S. Department of Justice with authority and adequate funding to track down the fraud, misrepresentation of asset value, insider trading, and related crimes in this scandal.

Funds should be allocated to hire 500 or more attorneys and accountants and support staff to conduct thorough investigation, forensic accounting, and prosecution.

Recovery of assets fraudulently or illegally obtained by individuals, Boards of Directors, and institutions involved shall be required retroactive to the decade of the 1990s to the present.

EQUITY TO TAXPAYERS MUST BE MANDATED

If U.S. taxpayers are forced to fund unlimited private sector bad debt, they must receive an equity share in every Wall Street financial company proportional to the amount of bad debt held that is shifted to the government.

Since taxpayers are assuming 100 percent of the risk, they should be afforded the benefit of any future profits. Those profits should be placed in a special lock box account for Social Security. The trustee should be restrained to investments in AAA state and local bonds.

Taxpayers who have been up-do-date on home mortgage payments but who will be required to help fund the bailout should be afforded lower interest rates on their existing home mortgages to total the amount being borrowed from them.

A .25 percent transaction fee should be charged on every Wall Street or Chicago Board of Trade transaction and the funds yielded should be used to pay back the loan for U.S. taxpayers, this fee will yield about $150 billion annually.

A SELECT CONGRESSIONAL COMMITTEE SHOULD BE ESTABLISHED

A cross-jurisdictional Select Committee of Congress should be established in both chambers to hold hearings, do proper oversight, and advise the next Congress and President on mortgage and financial recovery operations and additional means to assure any necessary repayment of the public investment.

STANDARDS FOR EXECUTIVES AND COMPENSATION STRUCTURE IN THE FINANCIAL SERVICES INDUSTRY ESTABLISHED

Compensation for financial executives at all levels should be limited to five year rolling average, made public on a quarterly basis, similar to Securities and Exchange Commission filings.

Alternatively, compensation for top executives at financial houses should not exceed the salary of the President of the United States until such time as the federal government recovers or receives repayment for any financing that may be provided.

Anyone who had major responsibility for buying or selling these junk bonds should be permanently banned from holding any position in any company dealing with financing of any sort.

All bonuses, stock options, and exceptional compensation (present and post for 10 years) for those individuals and their Boards of Directors should be disgorged. This should be a responsibility of the Department of Justice's investigations. Since executives and Boards of Directors were paid for fraudulent transactions and likely insider trading, their earnings were assumed under false pretenses.

New leverage ratios should be devised and incorporated with this law, probably 10:1, not 30:1.

Anyone or any company involved in leveraging or selling any sub-par mortgages involved in the bailout should be banned from employment by Treasury to help in these workouts.

Secretary Paulson and all political appointees in the U.S. Treasury and the Federal Reserve should be required to renew their public disclosure statements as circumstances have changed since their original filings.

All financial institutions and executives that will benefit from this bailout in any way should be banned from making any political contributions this election cycle and during the 111th Congress.

ADDITIONAL FINANCIAL SYSTEM REPORTING AND TRANSPARENCY REQUIREMENTS MUST BE REQUIRED

The Financial industry, including hedge funds, shall comply with new regulations involving disclosure, capital requirements, conflicts of interest, and market manipulation.

All hedge funds must immediately disclose holdings.

Hedge fund profits must be taxed at the sane rate as other financial corporations, their current rate is 15% on current income with a capital gains rate of only 5%.

Consumer credit debt must be reported quarterly to assure Congress has complete information on market conditions that may impact future solvency.

The source of the bailout money must be explicitly identified as well as the costs and nature of the financing agreement. If foreign nations, banks, or sovereign wealth funds provide monies, and trade or defense concessions are inherent in the agreement, Congress shall require certification from Treasury and the Federal Reserve that no side deals were transacted as a part of the agreement.

A provision should be included that if such side deals of any kind that may be implied or thought to exist, the United States is not bound by it.

As part of the legislation, the Secretary of Treasury and the Federal Reserve Chairman are required to provide a statement as to how the arrangement will be executed in order to avoid fueling inflation and rising interest rates.

BANKRUPTCY REFORM

Bankruptcy law should be changed to give bankruptcy judges the authority to: Reset primary mortgages during personal bankruptcies; and Release credit card holder from that debt in personal bankruptcy.

Our nation, our taxpayers, and our communities need real reform or nothing.

TRIBUTE TO REX COLE AND CATO CEDILLO

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

Mr. HUNTER. Madam Speaker, as we study the various proposals that are being circulated right now on the economic crisis, I thought I might take a break for just a minute from that and talk about a bright spot in this country and a shining light in this country, and that is two of the individuals in my community, in San Diego, who provided a wonderful bright spot for hundreds and hundreds of young people.

The first person I would like to talk about is Rex Cole, who was the head golf pro and manager at a place called Carlton Oaks Golf Course, a public golf course in San Diego County, for many years. Rex Cole was known for the fact that every weekend for almost 40 years, and he is now at Cottonwood Golf Course in East County, he would give free lessons to any young person who wanted to come over and be taught the game of golf.

On those Saturdays and Sundays, you would swing by that practice area and you would see that great professional, Rex Cole, out there teaching young people, whether they were 5 years old or 10 or 15, or sometimes 90, teaching them the golf grip and the basic swing and helping them, and not charging a dime.

Madam Speaker, this is a time when we are looking to heroes for inspiration. As Ronald Reagan said, you don't

always have to look to great national leaders or military leaders. Heroes are in these communities all around us, and Rex Cole is one of those heroes. He and his wife Karen have seven children and 13 grandchildren, but, beyond that, they have many, many young people who in a very real way have benefited from Rex Cole's mentorship and from his teaching and from his being such a solid, wonderful member of our East County community.

The other person I would like to mention is the late Cato Cedillo, who was my District Administrator in San Diego, California, in that East County area. I will never forget Cato going out to schools, to grade schools, and teaching young people how to play golf, and going out to the football field and hitting a few shots out there, and then having each young person pledge to him that they would never take drugs, and then giving each one of them a couple of cut-down golf clubs that he had gotten from various professionals in the area, sometimes from Rex Cole, giving them a couple of cut-down golf clubs and letting them have those clubs and take home a bag of golf balls and start this wonderful game.

So, Madam Speaker, I thought it might be kind of nice to talk about two local heroes, two people who gave, and in Rex Cole's case, continue to give so much of their own time and their own substance to the young people in our community.

TRIBUTE TO THE HONORABLE RALPH REGULA, THE HONORABLE DEBORAH PRYCE AND THE HONORABLE DAVID HOBSON

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Ohio (Mr. LATOURETTE) is recognized for 60 minutes as the designee of the minority leader.

Mr. LATOURETTE. Madam Speaker, tonight we are gathered to pay tribute to three of our Members from Ohio who are retiring, and we are going to speak about them in order. But, Madam Speaker, this has been a tough Congress for the Ohio delegation, the 110th Congress. Last year, our long time colleague and friend Paul Gillmor passed away suddenly and unexpectedly, and, of course, just a month and a half ago our good friend and long time colleague Stephanie Tubbs Jones passed away unexpectedly as well.

The news gets worse for us as we now arise to talk about three of our friends who have made the decision to retire: The dean of our delegation, RALPH REGULA; one of our great cardinals when we were in the majority, DAVE HOBSON, ''Uncle Dave''; and former judge and the highest ranking woman in the Republican leadership, DEBORAH PRYCE.

Before we extol more, I guess our new dean from the other side of the aisle, from Toledo, MARCY KAPTUR, has asked to spend a couple of minutes with us, and I yield to the gentlewoman.

Ms. KAPTUR. I thank the gentleman for yielding, and am very pleased to join Congressman LATOURETTE in paying warm, warm appreciation and thank-you's, gratitude, so many memories, to our beautiful colleagues RALPH REGULA and DEBORAH PRYCE, and I don't know whether DAVE HOBSON would want me to call him beautiful or not, but I guess I can. He has a beautiful soul.

These are moments that are very hard, because all those years come crowding in on you. For each one of these wonderful, wonderful Members I will at the right time this evening share some personal recollections.

With their eventual departure from here, Ohio will lose over 50 years of seniority. That is a staggering figure. And it isn't just the years, it is the friendships, the experience, the respect with which each of them is held, and the wonderful give-and-take that comes from getting to know Members well across the aisle.

I thank each of them on behalf of the people of our State for the major portion of their lives that they have given to this institution and for every single success that they have had legislatively here, that has helped build a better America and a better Ohio, and I thank them for their personal integrity throughout, carrying that torch forward for our great Buckeye State.

There are many others that wish to speak, and I will reserve at this time, but I just want to say I thank RALPH for your friendship. I thank Mary for hers, for all we have worked on together, including the First Ladies' Library, for all of the park systems all over this country, all of our great work on Appropriations. Those are memories that I will always have.

To DEBORAH PRYCE, one of the few women from the Ohio delegation actually, all the years we have spent here together, and her kindness and her strength under leadership pressures here, as well as family pressures. She was strong and a survivor, and really a role model for us all.

And certainly to DAVE HOBSON, who has this uncanny habit of just being able to weave in and out down all these aisles in this place, and he always seems to know where you are, he finds you in the back in the cloakroom or wherever, and all of our great work on Appropriations together, and his desire to reach across the aisle and to work with us, whether it was defense, whether it was energy, whether it was education, health care.

We are really going to miss you all, each of you. I just thank you for being a friend to me while I have been able to serve here. And I thank Congressman LATOURETTE for giving me a moment here to place a few words on the RECORD. I shall remain throughout this hour. Thank you.

Mr. LATOURETTE. I thank the gentlewoman, reclaiming our time. And as I introduce the other Ohio Members and others from perhaps around the country to speak about our honorees, I am going to say a couple of things about each of them before I hand it off to our colleagues.

First is the dean of our delegation, RALPH REGULA from Navarre, Ohio. I know his wife, Mary, is with us this evening and watching on in earnest. And if you ever saw a partnership, there is a partnership, RALPH and Mary Regula. Of course, Mary is a star in her own right because of her work at the First Ladies' Library and all that she has done.

Just two quick things about Congressman REGULA. When I was trying to figure out whether I wanted to run for Congress in 1994, I came to visit Congressman REGULA. And if you have been to his office, it is on the third floor of the Rayburn Office Building, and it looks like the Capitol is actually in his office when you look out his window. I think the Congressman saw me sort of admiring the view, and he said, ''Well, don't get too excited. It is going to take you about 30 years to get a view like this.''

The second thing that is often forgotten now that we are in the 110th Congress, when Congressman REGULA was in charge of Interior, he was the cardinal on the Interior Appropriations Subcommittee, there was a furious assault by very conservative Republicans elected in 1994 against the Corporation for Public Broadcasting, Humanities and the Arts, and Congressman REGULA was really put under the gun and told that, look, you have got to defund the Corporation for Public Broadcasting. No more NPR, no more National Endowment for the Arts, no more National Endowment For the Humanities.

Congressman REGULA was true, RALPH was true to his Republican provisions, but I would dare say that there wouldn't be public funding for those entities today if RALPH REGULA hadn't stood up as a stalwart in 1995, 1996, 1997 and 1998. So anybody listening this evening that enjoys Public Broadcasting and thinks that it has a place in our American experience, I think needs to thank Congressman REGULA.

I will talk more about HOBSON and PRYCE in a minute, but it is my pleasure to yield to my friend from Columbus, Mr. TIBERI.

Mr. TIBERI. Madam Speaker, it is with bittersweet sadness that we are here today. We thought that earlier this year this would be awhile before it came, but it is here before we know it. And it is not really an overstatement to say that these three individuals that we are honoring tonight have dedicated their lives to public service and serving our communities and serving our great State of Ohio, and certainly our country, spending so many years on the ground, in fact 70 years of service to this United States House of Representatives alone.

RALPH REGULA, who served in our military, who served in the Ohio House and the Ohio Senate before being elected to this body in 1972, I will never forget his service to the Appropriations

Committee and all the fine work he did for so many people across our State and across our Nation and across the spectrum of labor, health, human services and education, and his work in Interior.

And DAVE HOBSON, ''Uncle Dave'' as we affectionately call him, for his years of service to our country, as well to our military and the Ohio Senate before coming to the United States House of Representatives. His work with respect to our military men and women is unparalleled, an advocate, the best advocate for the young men and women in uniform here in the United States and those serving abroad and his work on the appropriations committees to help them and help so many others across our State as well.

And DEBORAH, who served as a judge before coming to the United States House of Representatives, and her work in our leadership for so many years and guiding our party. Her work on children's issues and cancer research, again, has been unmatched and will be missed. But I know all three will continue serving in so many other different ways.

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I will miss DEBORAH and DAVE on the plane ride to and from Columbus every week, all three have been amazing friends. They have been more than just friends. They have been teachers, they have been mentors, they have been everything you could ask a colleague to be or more. They have represented the best of what this body inspires us to do. They have represented our State and our country in great ways.

Thank you all for your guidance, your wisdom, your service and your friendship. You set a standard to which those of us who follow hope to someday achieve.

Mr. LATOURETTE. I thank the gentleman very much. Do you want to say somebody else before we go to somebody else?

Ms. KAPTUR. I thank the gentleman very much for yielding.

In order of seniority, I would like to say to the dean of the delegation, RALPH REGULA, there are many memories, perhaps not legislative, that I take with me relating to your service. One is your discussions about your red truck, and you were so happy when you bought it.

Of course, Congressman REGULA, being a farmer and I suppose some would say an Ohio rancher, you know, men really never grow up. He loved that little truck. He drove it in the garage downstairs. It was always shiny. He was really proud of it. He used to drive it back to Ohio.

I remember one time I came down the hallway in the Rayburn Building, and he was kind of coming out of his office. I said, RALPH, what's wrong, and he had been kicked by a cow over the weekend. I guess he was kind of repairing himself there. I thought, well, that's the first Member I have met who was kicked by a cow.

I remember when I first arrived, you and your lovely wife Mary were friends with Doug and Betty Applegate. That's when I first got to Congress. That was a great moment.

We used to have those fashion shows wearing U.S.-made clothing which has become almost nonexistent, which is another story. But there were annual fashion shows, and Mary and RALPH and Betty and Doug would welcome us into that. It was really great to do that and to begin to focus attention in America on the issue of trade and jobs, which has become so much of the challenge that we face today.

I can remember, in our committee, RALPH holding the gavel of his subcommittee and being asked by the Chairs, and then when he was Chair himself, calling for the committee to adjourn after various votes had been taken and the high regard, right up at the top. I mean, he moved all the way up from the last seat all the way up to the first seat on that dais, and I always see them there.

I think from Mary I will remember Mary in Canton with the Mary Todd Lincoln gown and hat. I think I will always remember what a great, great moment that was, what a great gift to America you have given just in that one, in that one place of such historical significance that we will keep building forward.

For DEBORAH PRYCE, I will say I shall always remember her as the, I believe, first woman Chair of her caucus, and very few women. I think when DEBORAH got here, there couldn't have been over 30 women in the House, maybe, it wasn't very much.

So for her to ascend and to plow a path for her daughter, and for the women of the future, was just so wonderful, and to be able to share that moment and to watch that happen, and the great pressure that is placed on someone in that position, and how she handled it so ably and always with great dispatch.

I remember her as a new mother and trying to handle motherhood as well as that enormous responsibility, and she did it, her great dedication to cancer research, pediatric cancer research and the contribution she made for all children in this country, and to find better answers in that terribly, terribly important area of health care. Also, our participation in a prayer group here in the Capitol, and the friendships and the camaraderie that came from that, those are moments that you never, never forget.

For DAVE HOBSON, obviously, you know, he loves this place, he loves being a lawmaker. I don't know what he is going to do after this. But, energy and water, that was his thing. He traveled all over the country, all over the world. He knew every general in the Army Corps of Engineers, I think, by first name, and loved helping build things for America.

When I think of armored Humvees, I will always think of DAVE HOBSON. I don't know if any other American will, but I will always associate armored Humvees and up-armored Humvees with DAVE. His dedication to nuclear power, safe nuclear power, no one could have tried harder, studied that issue harder and made a difference than DAVE HOBSON.

He has that certain sparkle in his eye that former Representative and Speaker pro tempore, Barney Coulter, would identify with very, very much and for the great work that DAVE contributed, not just here, but in our State legislature, to help building the Medical College of Ohio at Toledo. Our people will always be eternally grateful.

So to each of them from our side of the aisle, we extend deepest, deepest gratitude, and Godspeed in the years ahead. May you be given good health. May you have more time to spend with your families, and may there be less pressure and more joy in the days ahead. It has been a real privilege to serve with each of you.

Mr. LATOURETTE. I thank the gentlelady, the new dean of our delegation or soon to be dean of our delegation from the Democratic side for those reflections and thoughts. Before I yield to our next Ohioan, JEAN SCHMIDT, from southern Ohio, I want to talk a little bit about DAVE HOBSON.

I think it's appropriate that Ms. KAPTUR talked about she doesn't know what Representative HOBSON is going to do. A lot of us have been getting phone calls from his wife, Caroline, saying please find something for him to do so that she doesn't have to spend so much time with him.

Most of us in the delegation call him Uncle DAVE. Again, going back to 1995, aside from all of the other things that Congressman HOBSON had to do, Newt Gingrich was the Speaker at the time in the 104th Congress. He assigned Congressman HOBSON to babysit John Kacich, who was the Budget Committee chairman at the time, just to make sure that Congressman Kacich, who has a tendency to be a little exuberant, controlled that exuberance.

This Congress, this historic Congress that has the first woman as Speaker of the House, Ms. PELOSI of California, who sort of ribbed Congressman HOBSON about the fact that every time the Speaker of the House goes on a trip, she needs a Republican, obviously, for it to be bipartisan. For some reason it is always Congressman HOBSON.

I think that it's appropriate that Ms. KAPTUR talked about infrastructure. Because even though DAVE is from Springfield, Ohio, and that's his district, down around the Dayton area and his loves are Wright-Patterson Air Force Base, so many things, he, like RALPH REGULA when they were cardinals, took care of all of Ohio.

If you had a problem, if you had a concern, if you had a need, he didn't say I am going to take care of me first. He said I am going to take care of Ohio and the country first and many of the things that are being built. Just in my

district, the Ashtabula River and harbor, he helped to secure $53 million to help clean up contaminated sediments. That never would have happened without Congressman HOBSON.

It's now my pleasure to yield to my good friend and colleague from Ohio, JEAN SCHMIDT.

(Mrs. SCHMIDT asked and was given permission to revise and extend her remarks.)

Mrs. SCHMIDT. Madam Speaker, I rise today to pay tribute to three retiring Members from Ohio, my friends, RALPH REGULA, DAVE HOBSON and DEBBIE PRYCE. The entire State of Ohio owes these three a huge debt of gratitude for their hard work on our behalf and the dedication to their constituents. But, particularly, I owe each of these colleagues a special debt for the help they have given me in the 3 years that I have been here.

RALPH REGULA, the dean of our delegation, as a group, we will miss your steady hand at the wheel. Over his 18 terms in the House, there is not much that RALPH REGULA has not seen. His experience and his advice have been invaluable, and I appreciate all that he has done for me.

DAVE HOBSON, rightfully called Uncle DAVE, because he is everyone's uncle in this House, has also been a special mentor to me. His Seventh District is very close to the eastern part of my district and shares many of the same struggles and values. Uncle DAVE has been a great source of wisdom and advice in steering me towards the best course of action for dealing with the issues that face the folks I represent. I have appreciated having his counsel and, most importantly, his wisdom and his humor.

Last but not least, DEBBIE PRYCE, my friend. Few in this body can relate to what the challenges that any woman, Republican or Democrat faces, when they enter Congress. When I first got elected, DEBBIE took me to lunch in Columbus, and we sat down for almost a 3-hour lunch. She addressed my concerns and made me feel like I had a friend, not just here, but forever. I am going to continue that friendship with DEBBIE because she is a remarkable woman.

Ohio is a better place for these fine Members, and our State will miss them. After they have ridden off into the sunset to embark on new and undoubtedly successful endeavors, I know that they will be leaving a great legacy behind. God bless them for all they have done for this body, Ohio and the United States of America.

Mr. LATOURETTE. I thank the gentlelady very much.

Our next speaker is another Ohioan, who is new to us. Before I introduce him, as promised, I want to say a couple of things about DEBORAH PRYCE. As a couple of us have indicated in this Congress, I indicated it was historic because Ms. PELOSI is the first Speaker of the House. DEBORAH PRYCE became another ceiling breaker when she became the chairman of the Republican conference.

You may remember that it wasn't a good year, a couple of years, 2005, 2006, for the Republican party, but somebody who was always cheerful, who was always helping Members with whatever their difficulties were, whoever was crafting messages and making sure that as we left Washington to return to our districts we had the tools necessary to do our jobs and communicate what it is we are doing, DEBORAH PRYCE, in fact, did that. I am particularly fond of her because her prior life, she served as a judge, and my prior life was as a prosecuting attorney. She always brought that skill.

We serve on the Financial Services Committee together and, in the crisis that this country is now facing today, with the crisis of confidence on Wall Street, and the work that we have to do, DEBORAH PRYCE as ranking member is a leader. She will continue to be a leader as she, in fact, exits the Congress.

JEAN SCHMIDT made the observations about the challenges of being a woman in the United States Congress. Aside from that, on a personal level, I think the time that Representative PRYCE has served in the Congress have had incredibly high highs, and incredibly low lows. Through all of that, she has always performed her job as a professional, one, and, two, whenever possible, with a smile on her face. If you really want to see a smile on her face, the day that I remember her smile being the widest was the day she brought her daughter, Mia, to the Financial Services Committee. I think Mia actually voted a couple of times on some matters.

My only complaint about Representative PRYCE is a couple of years ago there was a fundraiser that she and Representative TIBERI had for me down in Columbus, for which we are all grateful for when our friends help us. PAT got up and gave this really long-winded introduction and made me sound better than I was. DEBORAH stood up and said, well, STEVE LATOURETTE is here, he is a little different, he is a little weird, but please welcome him. Even though her observations were correct, it wasn't the warmest introduction that I can recall receiving.

It's now my pleasure to yield 3 minutes to one of our new friends, BOB LATTA from Ohio.

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Mr. LATTA. Well, thank you very much for yielding.

I appreciate that from my friend from northeastern Ohio. As mentioned, I am the newest or, I can say, the least senior or the most junior—I'm not sure which is the best term for me—but I am truly humbled to be here with you this evening and to be part of this great delegation because the Ohio delegation has always been one of those great delegations, I believe, in this United States House of Representatives, and it has always been really like a family, an extended family, for all of the Members who are within it. I know it has to be a tough decision for you all to make to leave this body.

I know my dad served here for 30 years, and I know, when he left here, it was a tough decision, but it's a decision you have to make at some point in time. When you look at the experience that has already been mentioned with Congressman REGULA, with Congressman HOBSON and with Congresswoman PRYCE, who have 18, 9 and 8 terms that they've served here, that's 70 years of experience; that's 70 years of knowledge; that's 70 years of experience not only on this floor but also on those committees. That's going to be hard to make up because, as people come and as people go, there are so many folks who look to those Members who have served here for a good number of years for that experience, for what they need to know when they come onto these committees or when they come onto the floor.

One of the things that has already been said is that they have all served this House well with great distinction, and I think that one of the things, again, that has been mentioned is that they've all been great public servants.

As to one of the things my dad taught me, because he had had 36 years of public experience, he said that you always want to remember that you want to be a public servant and never a politician. I think that each of these three individuals whom we honor here tonight have been great public servants.

What is the difference between a public servant and a politician? It is very, very simple, and it was explained to me. Public servants see how much they can give of themselves to the people they represent while politicians see how much they can take from the people they represent for their own benefit.

Again, I think the people we have here before us this evening all epitomize that one great fact, that they've all been great public servants. They've worked hard. They've served their districts. They've gone home. You know, they make sure that their people back home are being taken care of, but at the same time, they recognize the duty they have to this great Nation that we all serve.

As I mentioned, it's truly a tough thing to see these folks go. I know that I first met Congressman REGULA many, many years ago because his office is right around the corner from where my dad's was up on the third floor there of the Rayburn. You know, Dad's office was there at 2309, and I always thought he had quite an impressive office. I know when I was in to see Congressman REGULA when I was running, I looked out there, and I knew it would be a long time coming before I'd get a view like that.

I'm truly blessed and privileged to be here with them tonight. This House has

been made a much better place by you three serving here. You've blessed your constituents, and you have a Nation that's very grateful for all of the hard work that you've done. I just want to say thank you very much for your service.

Mr. LATOURETTE. I thank the gentleman very much.

Now, Madam Speaker, we're going to hear from our three retiring Members in order of seniority. The first, as I indicated, is RALPH REGULA, the dean of our delegation. I don't know what we're going to do without RALPH around here.

As he comes to the microphone, I will just tell you that, when I, again, was elected in 1994 and I thought I'm a lawyer and that I was a prosecutor and that I'd like to be on the Judiciary Committee, RALPH put his arm around me and said, ''Son, you're going to the transportation committee.'' It was the smartest decision I ever made because I saw that the Judiciary Committee had the impeachment of President Clinton and all of this nonsense. The transportation committee is a bipartisan committee, as the Speaker knows, and to build America is not a bad thing.

It is now my pleasure, as we begin the final 15 minutes allotted to us, to yield to the dean of our delegation, RALPH REGULA.

Mr. REGULA. I thank you, Mr. Chairman, for this tonight. You'll have to admit that I have one gift, and that is that I recognize talent. That has turned out to be one of the better decisions I made when I got STEVE LATOURETTE on Transportation.

Madam Speaker, the Ohio delegation and this body will be losing two outstanding Members at the end of this Congress—DAVID HOBSON and DEBORAH PRYCE. Both Members have been tireless servants on behalf of the people in their districts in our State. I'd like to take this opportunity to share some of the legacies they leave behind.

DAVE was elected in 1991 to represent Ohio's Seventh Congressional District. He was appointed to the Ethics Committee as a freshman lawmaker, and it's obvious that the leader saw an element of fairness in the makeup of this gentleman and gave him what was, I think, a very tough assignment. I was pleased, again speaking of recognizing talent, to help DAVE secure a position on the Appropriations Committee during his second term.

Speaker Gingrich made HOBSON his personal appointee to the Budget Committee in the 104th and in the 105th Congress. In that role, DAVE served as a member of the House leadership and as a conduit between the Speaker and Ohio Republican John Kasich. Knowing these two personalities, that was a challenge. John Kasich was chairman of the Budget Committee and, as he would say, the architect of the Balanced Budget Act of 1997.

As chairman of military construction within Appropriations, DAVE led the efforts to provide troops and their families with safe, clean and modern facilities both here and overseas through housing privatization. When you have to depend on a volunteer Army, it becomes very important to have good housing because this affects the decision of members as to whether they will re-up in the military. Of course, their spouses, who are impacted by the housing, always have a great word in as to whether or not that happens. So DAVE made a real contribution to a volunteer military force by taking care of the housing problems.

DAVE became chairman of the Energy and Water Development, and Related Agencies Appropriations Subcommittee where he worked with the U.S. Corps of Engineers to develop a long-term approach—and we don't have enough long-term approaches in this body when it comes to management. He kept the corps from entering into costly, open-ended contracts, but made sure that it had the funding necessary to complete high-priority infrastructure projects.

Through his subcommittee, he also helped to bring a post-Cold War approach to the Department of Energy's management of the nuclear weapons complex. An example of this new focus was eliminating funding for the ''bunker buster,'' also known as the Robust Nuclear Earth Penetrator, a fancy name for a bunker buster. DAVE stopped it, and it would have been a waste of money.

Congressman HOBSON used his experience as a small businessman to work with the communities in Ohio's Seventh District to promote economic growth and job creation. Part of his efforts included bringing leaders from both the public and private sectors to help attract new businesses. DAVE has a very good skill in bringing people together, which is important when handling the military and which is also important when handling the leaders of his community.

With four military bases in his district—Wright-Pat, Defense Supply Center Columbus, Springfield Air National Guard, and Rickenbacker International Airport—he worked tirelessly with community leaders and base officials to support the missions of each of these bases. It included his work to protect Ohio's military bases from the impact of the BRAC round of base closures.

Continuing to work, he began as chairman of the Ohio Senate Health Committee. He worked in Congress to preserve the basic values of American health care, including access, security, affordability, choice, and fairness. I think as one that parents would especially appreciate, he supported legislation to ensure fair access to immunizations for low-income children and to help small business owners and farmers secure better prices on health insurance premiums. I think this illustrates that DAVE was a Member with a heart, with a caring for people, and that's so important in this job. He worked to modernize the Medicare program by adding the prescription drug benefit.

In all of his efforts, both here and in the State, he has a reputation for working in a bipartisan way. I think this is reflected in the fact that he was very successful in all that he did. I can say a lot more about DAVE, but again, I think one of the good decisions I made as a member of the steering committee was to get both STEVE on Transportation and DAVE on Appropriations. The public of this Nation is better served.

Next is Congresswoman DEBORAH PRYCE. She was elected in 1993 to represent Ohio's 15th Congressional District. Throughout her distinguished career in the House, DEBORAH has worked tirelessly in support of improving access to health care, especially for children, and I know the parents across this Nation are in her debt for all that she has done in working on children's health issues.

She authored the Caroline Pryce Walker Conquer Childhood Cancer Act of 2008 and the Patient Navigator Outreach and Chronic Disease Prevention Act—two very important legislative enactments to help with children and to help with health care generally. I know that she has been a strong supporter of Children's Hospital in Columbus, Ohio, one of the leading children's hospitals in the Nation. In fact, I visited there once, and they were bringing in children from all over the country to benefit from Children's Hospital, and they didn't know that they were in the debt of DEBORAH PRYCE for making that facility be there and be the strong leader it is in children's health issues.

She was also a strong supporter of GME, Graduate Medical Education programs for pediatricians. Again, it is so vitally important because pediatricians, I think, are a very essential component of the health care program because they deal with the early years of a child's life, and DEBORAH was a leader in that effort.

She was appointed by the Speaker to the House Rules Committee where she served from 1995 to 2004 and as chairman of its Subcommittee on Legislative and Budget Process. Then she was appointed to the House Select Committee on Homeland Security and to the Republican leadership health care working group on managed care reform. DEBORAH has always been a leader in health care, and I think that is such an important responsibility of the Congress.

She served as a member of the Committee on Financial Services. The committee, of course, is in the hot seat right now. DEBORAH is not there, but I think it illustrates the importance of this committee and that she served it so well in both 1993 and 1994 to 2005. She served on the Subcommittee on Domestic and International Monetary Policy, Trade, and Technology, and she is currently the ranking Republican member on the Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises.

She was the cofounder and cochair of the House Cancer Caucus where she has been an active leader in educating others on this terrible disease. Further, DEBORAH coordinated House Republican strategy and served as its chief House spokesperson on the landmark tobacco settlement among 40 States and tobacco companies. What a challenge. I think a bailout seems simple after that.

As Ohioans, we are extremely proud that DEBORAH became the highest ranking woman in the House Republican leadership when she chaired the House Republican Conference from 2002 to 2006. This required a lot of diplomacy, and she gave that program the type of leadership that made her very successful in that role. She was the fourth ranking elected leader in the House of Representatives. She has had other leadership positions, including as vice chairman of the House Republican Conference, as secretary of the House Republican Conference, and as deputy whip from 1996 to the present.

Madam Speaker, the Nation has received outstanding service from these two great Members from Ohio. We will miss them. We extend our appreciation for their work on behalf of the people of Ohio and on behalf of the country. We wish them and their families health and happiness in the future.

I just want to say on a personal note that it has been a real joy to serve with DAVE HOBSON and DEBORAH PRYCE. They're the kind of individuals who make service in this Congress something that we can all point to with pride and with the joy of fellowship in working with them and in helping provide leadership under their guidance for the many programs that benefit the people of this great Nation. Thank you.

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Mr. LATOURETTE. Madam Speaker, I thank the Dean of our delegation. And after that set of remarks, you know why this will be a hole in our delegation and for the country that we're not going to be able to replace.

Our next retiring Member has been described in a lot of different ways already, but there isn't an energy and or a water project across the country that doesn't have DAVE HOBSON's imprint on it. Never his name, because that wasn't what he was about. He was about making sure that we had the best infrastructure in the country when it came to energy and water.

And Congressman REGULA again spoke of the fact that Newt Gingrich put Uncle DAVE in charge of watching John Kasich, and I reflected on why that was. And I think it's because Congressman HOBSON never gets upset; he's always placid. He's always calm. He never raises his voice. And what better influence could we have in dealing with Chairman Kasich.

It's now my pleasure to yield to Congressman HOBSON.

Mr. HOBSON. I want to pay tribute to my colleagues and my friends, RALPH REGULA AND DEBORAH PRYCE.

To be honest, it's a little surreal standing here doing this because I'm joining them in retirement at the end of this term, but I'd like to take a few moments to talk about both of them.

RALPH and Mary showed up in Urbana, Ohio when I was running for Congress. And I pulled up in my pickup truck. I had one too. It was burgundy, it wasn't red. That was my campaign color. With a big sign, HOBSON for Congress.

And RALPH's walking down the street, and I never met RALPH or Mary before. And RALPH says, I've been reading about you; and I think we're going to get along just fine. And he was right. We did.

And I came to Congress and I got elected. And I came down here and JOHN BOEHNER wanted to be on the Ag Committee, and I wanted to be on the Ag Committee. And we got in a little tussle about that. And RALPH says, hey, if he wants it that bad, let him have it. You could never do enough for them, and you can never get off the committee. And by the way, there's a transportation bill coming up this year and he said, I think I can get you on that Transportation Committee. And you're going to get a lot of stuff for Ohio. And I did. I got everything that the Governor asked for. And I got a bike trail I didn't really want in the beginning, but Mr. OBERSTAR liked bike trails, and I showed up for him on some meetings, and suddenly I got almost as much money for bike trails as I did for highways. And I really wanted the highways, but the bike trails turned out to be a great thing.

Then RALPH came to me later on. And this is the way RALPH is, and this why our delegation over the years has been such a good delegation, because when he went into the Committee on Committees, he worked to place us all around within the committees so that Ohio had a voice when legislation was being done, whether it be on the authorizing committee or the Appropriations Committee. RALPH had us covered so that our State benefited and our people grew on those committees to points where, at one time, I don't know how many committee chairman we had when we were in the majority, but we had quite a number and we had the Appropriations Committee covered. We were the only State that had two cardinals when we were on the Appropriations Committee when we were in the majority. That was due to RALPH because RALPH came to me and he said, would you like to be on the Appropriations Committee? I didn't ask him. He came to me and he said, would you like to do this? And he was sharing, and that's the way RALPH REGULA was. He shared. RALPH Regula shared the whole time he was here, and even today, about what we're all about, of doing good for this country.

He's been a mentor to all of us in the delegation. He's been a great friend to Ohio, and he's done a lot of really neat things for Ohio and the country.

One of the things we've both done together and it's actually, some money was put in, most of you didn't see it, but it got in there in the CR to take care of the Everglades, because RALPH REGULA is probably the father of most of the restoration in the Everglades. And I've helped him do that when I became chairman of energy and water. And the Everglades we have looked at is not a treasure for Florida, or not even a national treasure, it's an international treasure, and we've saved it for our grandchildren and their children if we could get the things done that we need to do.

He's also worked very hard for things, not just in his district that he felt were good for Ohio, such as the Cleveland Clinic, NASA Glenn, the Cuyahoga Valley National Park. He's done great things with the parks all over the country. He's done great things with research, education. He's just been an outstanding Member for many, many years of this Congress. I consider he and Mary true dear friends.

Mary is also very giving. You've heard the good work she's done. But also she was a mentor to my wife when we came. She got my wife into the chairs to become head of the congressional club, all the spouse groups of both the House and the Senate. She got my wife into the chairs, and my wife became president of that, just as Mary had done many years before. Didn't have to do that, but it was their way of sharing and caring for people from Ohio. And we both, my wife Carolyn and myself really appreciate their friendship over the years.

Something that RALPH and DEBORAH and myself have all worked on together is this GME for children's hospitals across the country. Our delegation, when John was here, John became a convert to that, Kasich when he was here because he had a personal situation in his family, and we all worked on that. We all worked on a number of hospital issues.

And going back to RALPH, I can remember once when I was in the Speaker's office, I was working on durable medical equipment, and the Speaker finally said to me, shut up, HOBSON. You got a billion dollars. Shut up. Get it down. And RALPH said, DAVE, you'd better be quiet and we'd better move on. So we did move on.

But DEBORAH, PAT and myself have represented Central Ohio, and DEBORAH's made a real difference for Central Ohio. And we've all worked together on a number of projects for the community. The Rickenbacker International Intermodal facility is going to create 20,000 new jobs over the next 2 decades. That wouldn't have been done without DEBORAH's hard work with all of us to try to get this done.

The VA clinic in Central Ohio, again a product that we've all three worked on. We had hearings in Columbus on the VA Clinic. All of our districts were impacted by it. Fortunately, it turned out to be in my district, but we all

worked to make sure that's a reality for the veterans of Central Ohio, so that they can get health care in a better situation in their local community.

We worked on the Defense Supply Center during the BRAC, which most of the people, it's in my district, but most of the people live in PAT and DEBORAH's district. And again, we worked as a unit, the three of us worked together. We were partners in this. When she ran for leadership, we were partners to help her get into leadership and be the highest ranking female ever in the Republican delegation, and frankly, in this Congress, until Speaker PELOSI was elected. And that's a real tribute to DEBORAH and her leadership, but also to our delegation, who all worked together to make sure that DEBORAH got there.

And another place she's been just a tireless advocate on behalf of the Ohio State University and Columbus Children's Hospital. We have great programs in both places that are attributed to DEBORAH and her hard work. At Children's Hospital in Columbus there's a number of programs there. We just did an autism program that will be great for children with autism, which is afflicting so many young children in our region, and it's going to be working with the Children's Hospital in Columbus, and also with Wright Patterson Air Force base and Children's Hospital in Dayton. And I've had a number of people call and thank DEBORAH and us for putting this together.

And Ohio State, she's been the premier leader for all the stuff that's happened at Ohio State University, which is her alma mater. And she's been tireless in fighting for better quality education, but also in getting the facilities and the programs there to make sure that Ohio State is a premier, leading institution in our region. And frankly, it has moved up, under her tenure, to be, moved up dramatically in the research that it does for this country while DEBORAH has been representing that facility.

And that's even true that PAT TIBERI played the trumpet. But you must have played the whole band because we got a lot more stuff there since you've been here working on this.

I think probably in addition to her leadership here of our caucus and working on the health care things that she's done, there's a bill that passed that I think is probably the crowning glory she might share with you of her being here and that was the bill that was named for her daughter, Caroline, and one that dramatically increases funding for pediatric cancer research, and it was signed into law this year. That's a lasting tribute and it's making a great difference in the lives of so many families touched by pediatric cancer.

These are two great Members that I've had the privilege of serving with here.

In closing, I'd like to say I've really enjoyed serving with them, but I've really enjoyed serving in Congress. It's been an honor for all of us, I'm sure, to have been here to work with our colleagues. And I know when you look on TV you say oh, you watch this floor sometimes and you say, all they do is bicker amongst themselves. Well, you see it here, but you don't see the great work that goes on behind the scenes where Members get together and work together, talk together and get the country's work done. And I think it's unfortunate that the public doesn't understand the great friendships that are here across the aisle and within delegations as we do our work in furthering the work of this country on behalf of all the citizens of this country.

So I knew it was time for me to leave. I didn't know RALPH or DEBORAH, where they were going to be at the point, but I made up my decision. We each made up our own decisions. And I knew that it was time to move on. But I've got to tell you, it's been a pleasure to work with everyone in this Congress, and especially our delegation, both Democrats and Republicans. We have not had the rancor between Democrats and Republicans.

And I'm really saddened tonight when we do this, not for us, but there's two people who are not here that were dear friends of mine, Paul Gillmor. I wouldn't be here if Paul Gillmor hadn't gotten me appointed to the State Senate. And Stephanie Tubbs Jones became one of my best friends. We traveled all over the world looking at military bases together. And she would, if I flew to Cleveland to see my daughter and we were on the same plane, I didn't have a car there, she would drive me to my daughter's house and take me there, and we became true friends. I took she and her husband on their 25th wedding anniversary. She wanted to go on a codel, and I said I'll give you the best party that you can ever have if you'll go on this trip and get Mervyn to go with us. And those were the days when you could do that. We had a great party for them. And she was a wonderful Member of this Congress.

You know, maybe there were some things in the political realm that we all disagreed with. But as people, we all cared about each other, and that's what's important.

So thank you for your service tonight, all of us together, and thank you, STEVE, for giving me the time to speak.

Madam Speaker, I rise today to pay tribute to a fellow Ohioan and a great American, Congressman RALPH REGULA of Ohio. RALPH was elected to represent the 16th Congressional District in 1972 and has served in this body since he was first sworn in as a Member in January 1973. He is the longest serving Member of Congress from Ohio in our State's history with unbroken service totaling 36 years, and he will be retiring at the conclusion of this session.

In his second term, RALPH was appointed to the House Appropriations Committee, an unusual act at that time, as Members had historically served multiple terms before being appointed to the prestigious committee. Over the course of more than three decades of service on the committee, Congressman REGULA has made his mark in many areas, and I would like to highlight some of them this evening.

First, after having served on the Interior Appropriations Subcommittee since 1975, RALPH became its Chairman in 1995 and served in that capacity for 6 years. As chairman his accomplishments are too many to mention here, but I want to address a few of the groundbreaking changes he made that will have lasting benefits well into the future.

Chairman REGULA focused on making critical changes to ensure that the most important issues and problems were addressed by the agencies in the Interior bill. Much of what he accomplished didn't make headlines. He insisted on an emphasis on "taking care of what we have," and made tremendous strides in reducing the backlog of maintenance projects on Federal lands, in Indian schools and hospitals and in cultural institutions like the Smithsonian Institution.

He instituted a pilot recreation fee program whereby the National Parks, Wildlife Refuges, Forests and Bureau of Land Management charged users of those resources modest fees. The fees were then available for making necessary improvements for the benefit of the visitors to those lands. This concept of recreation fees had many naysayers, but RALPH persisted and worked for years to show the merits of the program. He was right, and as of today, nearly $2 billion has been paid in recreation fees, and those fees have resulted in tremendous improvements in visitor services in our National Parks, Forests and other Federal lands.

He was a critical leader on the cleanup of the Everglades in Florida. He insisted that restoration of natural resources should be the primary focus of the program and that the Department of the Interior have a seat at the table to ensure that decisions on water distribution and development were not made separately from, and without consideration of, natural resource restoration needs.

As Chairman of the Interior Subcommittee, he identified management shortfalls in the agencies under the subcommittee's jurisdiction and helped agencies help themselves by addressing management improvements. For example, he oversaw the complete overhaul of the National Park Service construction program. The program lacked a national priority setting process, and its list of construction needs included many projects that were unrelated to construction projects. Chairman REGULA made sure that the entire program was changed to incorporate meaningful measurement criteria for identifying and prioritizing projects and that the management structure was streamlined to ensure that the emphasis was on getting the job done rather than designing grand concepts to justify a bloated bureaucracy.

Congressman REGULA has had a tremendous impact on energy research and development. He fought for a balanced national energy strategy. He focused limited Federal funds on improving the efficiency and cleanliness of fossil fuels at the same time as we pursued renewable and alternative energy sources. He conducted extensive oversight on what we had gotten for the billions of dollars

invested in energy research since the establishment of the Department of Energy. He continued and expanded critical research on natural gas infrastructure improvements, oil field productivity improvements, developing fuel cells for electric power generation and transportation applications, and decreasing emissions from coal-fired power plants. He recognized that Federal energy research only works when we have a joint government/industry effort and that most major energy breakthroughs have come from industrial research efforts and from small entrepreneurs in the private sector.

RALPH, a farmer himself, was the moving force behind the establishment of the Children's Farm at the National Zoo. He worked tirelessly for several years to bring this exhibit to fruition. It provides a ''hands on'' experience for young children to see what life on a dairy farm is like and has become one of the most popular exhibits at the zoo.

Congressman REGULA continuously demonstrated his strong commitment to doing the right thing for both the Government agencies in the Interior bill and for the American taxpayer. He made sure that the Federal land management agencies made tremendous strides in improving those lands, in reducing their maintenance backlogs, and instituting management improvements. He made sure that energy and mineral development on Federal lands was expanded responsibly and in an environmentally sound manner. He made sure that essential science programs—dealing with critical issues such as satellite imagery, earthquakes. volcanoes, the biological sciences, landslides and mapping—in the United States Geological Survey were maintained. He made sure that priority school, hospital and clinic construction for Native Americans were addressed in annual appropriations bills.

Republican term limits in the House required Ralph to give up his chairmanship of the Interior and Related Agencies Appropriations Subcommittee in 2000. At the request of then-Chairman BILL YOUNG, REGULA took the reigns of the Labor, Health and Human Services, Education and Related Agencies Subcommittee beginning in 2001 and held the position for a full 6 years until 2006.

REGULA took the chairmanship, having never served on the subcommittee as a rank and file member, but with a good staff and as a quick study, he masterfully managed a bill with the largest domestic spending level in the Federal Government and with many of the most divisive policy issues.

George W. Bush had just been elected President and had come to Washington with a major domestic policy objective—the improvment and accountability of our Nation's education system on behalf of our children. During that first year, REGULA held hearings on the administration's budget request for the three cabinet departments and nearly 500 programs funded in the bill, putting together a balanced, bi-partisan bill. At the same time, Congress' education commit1ees were drafting and negotiating the provisions of the No Child Left Behind Act, NCLB.

While endorsing increased accountability and standards for students being included in the new NCLB, REGULA, himself a former teacher and principal, knew that the keys to improving student achievement were the teacher and the principal. He provided the necessary funding increases for Title I, Federal funding for the disadvantaged under the Elementary and Secondary Education Act/No Child Left Behind Act, and continued support for School Improvement and Innovative Education grants to help local schools address these new accountability and school improvement standards. Further, he focused targeted funding to improve teacher training and performance within the provisions of the No Child Left Behind Act through programs such as Math and Science Partnerships and the Comprehensive School Reform program.

His motto became, ''We need a good teacher in every classroom in this county.'' With this motto REGULA knew that a well prepared and well-trained teacher would indeed lead to improved student achievement.

Additionally, he provided funding for innovative demonstration programs to improve teacher education, training and performance which are today infusing our Nation's classrooms with teachers from a host of diverse educational and work backgrounds. These programs include Teach for America, now the largest recruiter of college graduates which brings graduates from our Nation's top colleges into our most challenging schools for a 2 year service commitment and Troops to Teachers which provides financial assistance to those retiring from the military to transition into our Nations classrooms. The Teacher Incentive Fund is being adopted by key school districts around the country to incentivize teachers to teach in the most challenging districts and schools.

When REGULA took the helm of the subcommittee, it was the beginning of year 3 of a 5-year commitment to doubling the funding for biomedical research through the National Institutes of Health, NIH. Our country's biomedical research efforts—supported by NIH and carried out in universities and institutes throughout the country—are premier in the world. Over time, however, the increasing costs of conducting research began to erode the ability of researchers to compete for limited grant dollars, resulting in fewer grants and an increasingly difficult climate for attracting young scientists into health research. The doubling effort received bipartisan support from both Congress and the new administration, and, despite very tight subcommittee allocations, REGULA oversaw the completion of the 5-year doubling effort that brought the NIH research effort from $13 billion to $26 billion annually. Today, this number stands at more than $29 billion in annual health research funding to improve the lives of all Americans.

While Federal funding for training of physicians and specialists is provided nearly exclusively through Medicare, Federal training for pediatricians and pediatric specialists had been virtually non-existent when Congressman REGULA took the chairmanship. He understood immediately, though, that the most important years in one's life are the early years and, without a well-trained pediatric workforce, we are not investing wisely in our Nation's children. Therefore, REGULA ensured that Federal dollars were in place every year to assist in training these critical physicians at children's hospitals throughout the U.S. After completing their training, these physicians and specialists are now caring for and treating children across the country, not just where children's hospitals are located. Today, REGULA remains one of this Congress' most vocal advocates of Children's Graduate Medical Education funding.

While many in national politics and health policy continue to wring their hands about the number of people in our country without health insurance, REGULA saw the value of community health centers in providing healthcare to the uninsured and under-insured. During his tenure as Chairman, funding for these centers rose from $1.2 billion to nearly $2 billion. Today more than 4,000 service delivery sites exist throughout the U.S., providing primary healthcare to over 15 million people.

During REGULA'S tenure, health policy experts became increasingly concerned about our Nation's ability to cope with newly emerging infectious diseases, especially as we watched how quickly disease could travel across the globe with the example of SARS. Further, in the wake of the September 11 tragedy and the anthrax attacks, these same experts called our attention to our vulnerability to biological hazards. Working with the Department of Health and Human Services and the Centers for Disease Control and Prevention, CDC, Ralph provided the key funding to step up the resources of the CDC to protect the Nation and prepare it for possible intentional biological threats against our population. Similarly, with the rise and spread of avian influenza, RALPH'S subcommittee appropriated new funding to help the Nation, as well as at-risk countries in the developing world, improve the ability to detect, prevent, and control a potential pandemic flu strain. Today, pandemic preparedness and response plans are in place at the national, State, and local levels of Government, and research and development is ongoing on both a pandemic flu vaccine and new antiviral medicines.

Income support and healthcare payments to the elderly and disabled through the Social Security and Medicare programs are funded through mandatory spending; however, it is the Labor, Health and Human Services, Education and Related Agencies Subcommittee that provides the critical administrative funding to ensure that benefit payments are processed efficiently and in a timely manner. While Congressman REGULA knew that ensuring adequate staffing to these critical agencies would never be a top media story or even a leading policy topic, he understood that Americans' dependence on these services required his good management of these agencies and financial support to ensure their efficient operation. Following enactment of the Medicare Part D prescription drug benefit program, RALPH saw to it that the agencies had the financial support necessary to carry out the new program.

Finally, very outspoken in his belief that education is the key to our Nation's future in the global economy, RALPH also understood that educational growth is more comprehensive than a traditional classroom. As a result, he is still a leading spokesman for the One Stop Centers funded through the Department of Labor. These community-driven centers assist workers at all points in their working lives with training to improve their skills or to develop them in new business areas. Their training programs come through community colleges, technical schools and other accredited programs. Throughout his tenure as chairman, Congressman REGULA supported these centers with both Federal funding through his subcommittee and through his regular stump speeches about the terrific partnerships these One Stops can have with the businesses and

employees in their communities, thus ensuring the continued economic well-being of these communities.

RALPH'S impacts throughout his district and the State of Ohio are too many to name here. Suffice it to say that the residents of our State enjoy benefits of a premier national park in the Cuyahoga Valley National Park, improved healthcare institutions, schools, higher education institutions, including medical schools, highway infrastructure and the arts as a result of his work in this body.

Throughout these 36 years of service in the House, RALPH REGULA has remained a serious legislator with an open mind and a kind demeanor. He has worked effectively and professionally among his colleagues on both sides of the aisle to ensure that the work of our Nation gets done. He has exemplified the words of Ronald Reagan when he said that "there is no end to what you can accomplish when you don't care who gets the credit."

This Congress will greatly miss the steady hand, judgment and leadership of Congressman RALPH REGULA. We wish him all the best as he leaves the Congress. I am sure that he and his lovely and talented wife Mary will continue to do great things on behalf of Ohio and the Nation. RALPH, I know your colleagues here, the thousands of folks at the Departments of the Interior, Labor, Health and Human Services, Education and the countless independent agencies funded in those two bills, and, most importantly, the American people will not forget all you have accomplished and the impacts that your work has had in improving our lives.

Mr. LATOURETTE. I thank you, DAVE, very much.

And before we recognize our last retiring Member, we've been joined by another new member of the Ohio delegation. And I want to express my appreciation and apologize to Congressman MANZULLO and the Illinois delegation. We were supposed to split this hour 50/50, so anybody tuning in at home and wondering where the Illini delegation celebration is, we're going to talk, use our last few minutes; and then in the next hour stay tuned because Congressman MANZULLO and the Illini bunch will come marching out on to the field.

And just to Congressman HOBSON, I don't know if Congresswoman PRYCE wants the record to reflect that she played the entire Ohio State band. I think perhaps had played all the instruments in the Ohio State band would be a better way of turning it.

It's now my pleasure to yield 1 minute to one of our new Members, JIM JORDAN.

Mr. JORDAN of Ohio. I thank the gentleman for yielding. And I'll be real brief. I appreciate you putting this together. And I just wanted to say congratulations and thank you to our three retirees for all your years of outstanding public service. And you know, I've only had the privilege of serving with these three individuals for 20 months, but each of them, in their own way have been helpful to me. Friendship is there, and I appreciate that.

And I really appreciate Congressman HOBSON, who used to be my congressman, used to have Champaign County for several years. But his help in so many ways, in particular, navigating the defense appropriations process has been extremely helpful.

So congratulations; my best to each and every one of you. And thank you again for what you've done for the Buckeye State and for our country.

Mr. LATOURETTE. The last retiring Member we have from Ohio is certainly not least, and we've talked about her service on the Financial Services Committee.

Madam Speaker, when I joined the committee, I think we had six Ohioans on the committee, Stephanie Tubbs Jones, Paul Gillmor, who's passed, Bob Ney, who is not with us anymore, PAT TIBERI, he's now been promoted, Mike Oxley was the chairman, and Congresswoman PRYCE who of course is, I think, the third or fourth ranking Republican on the committee. And now, with all these retirements and passings, I'm the only one going into the next Congress if I'm lucky enough to be re-elected.

□ 2100

And so I'm kind of sad that they all left me, but I will always cherish serving with them, and it is my pleasure to recognize the gentlelady, Ms. PRYCE.

Ms. PRYCE of Ohio. I thank the gentleman for yielding. And Steve, I don't know that—I just can't believe that I said at a fundraiser that you were a little different and you were a little bit weird. But it's true. And I thank you for yielding me this time.

You know, there has been no greater honor than anyone could ever enjoy than to serve in the company and then leave with the members of the Ohio delegation. Both Republicans and Democrats alike, it has been an honor and a joy.

RALPH REGULA and DAVE HOBSON were mentors, they were colleagues, and they were the best friends a gal could ever have. They really have been wonderful to me.

When I first arrived here straight off the Municipal Court bench, I was a very green Member of Congress; and I was all new to this boys' world, and it's a lonely place for a woman. But my delegation was very kind and very welcoming to me and made it a place that I felt comfortable and at home and in which I thrived.

And these two gentlemen, which we honor tonight, were a very huge part of that.

Let me say first about RALPH—and you can't say "RALPH" without saying "Mary." They are the true congressional couple. And the Ohio delegation never—well, they didn't always get along like we do today. And because of the leadership of our dean, RALPH REGULA, our delegation came together for the entire time that I have served here to be effective, to be efficient, to be very good for Ohio, but also to be very friendly to one another.

And RALPH led that. He nurtured us. He did everything that he could possibly do from the initial days when I got here and he was on committees and gave me a committee I didn't necessarily want and didn't necessarily understand. But it was, first of all, good for Ohio, and second of all, good for DEBORAH PRYCE.

So I will always thank you, RALPH, for your consideration and in placing all of us where we needed to be for the good of Ohio.

And Mary in the balcony. Mary, you are an original feminist, and I love you for that. An original feminist with the First Ladies Library. You advanced the cause of women with no strings attached, and that is no small thing, Mary Regula. Thank you.

You know, RALPH, I didn't stay long enough to get the view that you have, but I will always remember you and Mary for your kindness, for your nurturing, and for the good will that you taught me that makes this job a joy.

And then to Uncle DAVE and his wonderful wife Carolyn.

You know what patience that woman has. But Carolyn is a joy to us because she gives us DAVID.

David taught me so many things, and you know, I will always see DAVE HOBSON with a cell phone on his ear. I can't picture DAVE without a cell phone on his ear. But not only—he's always in communication with someone. He's always making the deal, he's always making things happen, and he's making things happen for all of us in Ohio.

But one important thing that DAVE HOBSON taught me, and he continues to try to teach the world, and that is that "earmark" is not a dirty word. And the good things that these two cardinals, DAVE HOBSON and RALPH REGULA, did through the earmark process for the State of Ohio will continue to make our State strong and important in the general scheme of things throughout history.

Earmark is not a dirty word as long as they are good earmarks. And these two gentlemen always made sure that they were.

And one more thing about DAVE. He always had my back. And he still does. Thank you.

Gentlemen, thank you both for so many things. This is a hard job for me to leave because of the joys, of the companions that I made here, the relationships, and the true camaraderie that could make this a great place, and it should make this a great place if we just rely on that more.

So thank you, Mr. HOBSON. Thank you, Mr. REGULA.

You know, Monday afternoons and Tuesday mornings I might just have to head to the airport to get my fix of all of the politics because I'm really going to miss those moments we spend together, the private publicness that we've lived in all of these years together.

Thank you, Mr. LATOURETTE.

Mr. LATOURETTE. Thank you, DEBORAH.

GENERAL LEAVE

Madam Speaker, I ask unanimous consent that all Members may have 5

legislative days to revise and extend their remarks and include extraneous material on the subject of this Special Order.

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

There was no objection.

Mr. LATOURETTE. I think I have about 1 minute left, and I'm not going to insult Mr. MANZULLO by giving him a minute to talk about his retiring. So he's come up with some parliamentary scheme to make it all work and honor Mr. LAHOOD and Mr. WELLER, who are both classmates of mine, who are retiring.

But I think, Madam Speaker, from this last hour, which we didn't know it would take an hour, but we should have expected it would have taken an hour for each of our retirees, we are richer for having served with RALPH REGULA, DAVID HOBSON, and DEBORAH PRYCE; and we in the institution will be poorer with their retirement, but we will always remember the gifts that they have given us; and it shall be our challenge, both Republicans and Democrats as Members of the United States Congress, to stand on their shoulders and follow in the example that they've set for us.

I thank you, Madam Speaker.

Mr. LEWIS of California. Madam Speaker, I rise to honor my good friend DEBORAH PRYCE whose service to Ohio and her nation has been exemplary.

I first came to know DEBORAH when I was active in a Task Force to elect more Republican women to Congress. Her spirit and enthusiasm impressed me then and it was no surprise to watch her quickly become a leader among her colleagues. In 2002 she was elected House Republican Conference Chair, a position I once held, where she articulated the party's message and helped craft the Republican agenda. In this capacity, DEBORAH became the highest ranking Republican woman in history.

I am particularly touched by the work DEBORAH has done to fight cancer. After losing her beloved daughter Caroline to this disease, DEBORAH co-founded Hope Street Kids, a nonprofit organization dedicated to increasing funding and awareness of pediatric cancer. Knowing DEBORAH like I do, she will tirelessly continue her fight against this dreadful disease.

I wish her well as she returns home. Congress' loss will be her family's gain.

Madam Speaker, I rise tonight to honor my good friend and fellow appropriator DAVE HOBSON of Ohio.

I've had the pleasure of serving alongside DAVE as we have fought to make sure our military has the resources it needs to defend our interests around the world. DAVE's commitment to ensuring the brave men and women of our armed forces receive the pay, benefits, housing, and quality health care they deserve is second to none.

DAVE made constituent service a priority during his time in office. He has long sponsored monthly "Open Doors" meetings in his district so his constituents could directly share their concerns with him.

During his time on the Energy and Water Subcommittee, DAVE visited Northern California on behalf of our colleague JOHN DOOLITTLE. DAVE brought to our attention the urgent matter of levees and flood control. His expertise on this issue has been critical as California has worked to address this serious problem.

Retirement is something to be celebrated and enjoyed. It is not the end of a career, but rather the beginning of a new life adventure. I send my friend DAVE my best wishes in all his future endeavors.

Madam Speaker, I rise tonight to honor RALPH REGULA, the second-longest currently serving Republican member of the U.S. House and a man I am honored to call a friend.

I thank RALPH for his years of service. He has inspired a legacy that demonstrates the true character and compass on of his Ohio district. During his many years on the Appropriations Committee, RALPH has done magnificent work on many subcommittees, particularly the Labor, Health, Human Services and Education budget, which is the largest discretionary domestic account. He focused on strengthening our education system to meet the demands of a rapidly changing global marketplace, making health care accessible to all, ensuring that the U.S. remains at the cutting edge of medical research, and retaining workforce training programs that provide people an avenue to seek gainful employment.

He has been an example of the very best of the Appropriations Committee and has been a Member that colleagues on both sides of the aisle could turn to. While I will miss seeing him in the halls of this great institution, I know he will be happy at hone on his farm in Ohio with his wife Mary and their four grandchildren.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2786. An act to reauthorize the programs for housing assistance for Native Americans.

H.R. 6460. An act to amend the Federal Water Pollution Control Act to provide for the remediation of sediment contamination in areas of concern, and for other purposes.

The message also announced that the Secretary be directed to request the House of Representatives to return to the Senate the bill (H.R. 3068) "An act to prohibit the award of contracts to provide guard services under the contract security guard program of the Federal Protective Service to a business concern that is owned, controlled, or operated by an individual who has been convicted of a felony."

TRIBUTE TO RAY LAHOOD AND JERRY WELLER

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

Mr. MANZULLO. Madam Speaker, tonight we recognize the retirement of two great Members of Congress from the State of Illinois, JERRY WELLER and RAY LAHOOD. Both of these gentlemen came with the great Republican class of 1994. It's indicative because these are two guys that are rebels with a cause, always believed in a continuous fight, never would miss a fight that would take place on the floor of the House.

And in particular, RAY LAHOOD, who represents Abraham Lincoln's old district in Illinois, probably one of the greatest institutionalists. A person who has been with this Chamber for a considerable period of time serving as chief of staff to minority leader Bob Michel. And what's interesting that he puts in his own biography is the fact that he says, "Leading the efforts to establish a higher level of civility, decorum, and bipartisanship in the House of Representatives."

I don't know how you can pay a higher tribute to somebody than that. Recognizes that he had the—call it the honor, whatever it is, of being the person to hold on to the gavel during the impeachment hearings or impeachment proceedings taking place in this body of President Clinton. And the reason he was chosen is because of somebody who loves this institution, understands the meaning of order, and wanted to bring the highest level of civility to a place that has been torn up by things other than civility, especially during that period of time involving the impeachment.

And JERRY WELLER. Yes, JERRY. What an interesting person he has always been. What a great American. What an interesting start to politics. When he ran for the general assembly and then he lost, but he thought that he had won in a very interesting election that was taken away from him just before he was sworn in to be a member of the general assembly.

But JERRY came back with a great class, and every married couple in this country has JERRY WELLER to thank for the fact that he's the one who's the leading champion of the 2001 marriage tax penalty. Every couple in the country has him to thank for saving at least $1,700 on their joint tax return.

Always an interesting individual. I was in Chicago with him one time attending a hearing, and we went to a restaurant on the north side. I lived way out in the country, and actually JERRY's background is a hog farmer. And we went to this restaurant, presumed that nobody knew who we were, and somebody came over and said, "Aren't you Congressman JERRY WELLER?" And I turned to him and I said, "I bet you paid that person to say that, to come over here and recognize you in Chicago way out of your territory."

But I have known him as a confidante, as a friend. I had the opportunity when I chaired the Small Business Committee to travel with him around his district. And a small town mayor came up to me and said, "You know, Congressman, I have been mayor

here for a long time, but when JERRY got elected, he called me. And no one has ever called me and taken an interest in the small town that I represent. And it wasn't for the purpose of trying to get projects, because we know that those are very difficult when you have a lot of cities. But JERRY WELLER cares about the little people in this country so much so that he contacted all of the small town mayors and all the mayors just to say that he's our new Congressman and he's there to help us.''

I can't find a better tribute to an individual who does stuff like that, anybody who takes the time to travel the area and get to know the people.

I also noticed that when I was with him, people would call me ''Congressman MANZULLO'' but they would call him ''JERRY.'' I said, You know what? What a title of honor to feel comfortable enough around this man, and even with the dignified title of ''Congressman,'' they called him ''JERRY.'' And why? Because JERRY has always been JERRY. Just your average young man working on a hog farm with a desirous heart to serve America elected to the United States House of Representatives.

And JERRY, we're going to miss you. We're going to miss your humor, your unfunny jokes. We laughed at them just to be polite.

And, RAY, we're going to miss you also because of the dignity that you always would bring to the House of Representatives. You had the heaviest mallet in the House. When you hit that mallet, people would sort of stand to attention.

HONORING RAY LAHOOD AND JERRY WELLER

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

GENERAL LEAVE

Mr. SHIMKUS. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of this Special Order.

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

There was no objection.

Mr. SHIMKUS. Madam Speaker, I, too, am honored to be here tonight just for 5 minutes to talk about two of my colleagues, two of my mentors, two of my friends who helped me as a new Member of Congress. They both served seven terms, finishing their seven terms, 14 years. One's about 10 years older, one is the same age.

Both represented—well, JERRY had parts of Cook County, Chicago in his first district, but mostly south of I–80 guys, which brings in a different dynamic in Illinois politics, which is rural, small town, agriculture interests.

□ 2115

I'd like first to spend time to talk about JERRY and his fight on the Ways and Means Committee primarily—most of us know him for eliminating the marriage penalty, and that was before JERRY got married. So it was no conflict of interest. He wasn't in doing things for himself.

And since that time not only did he save—I mean the basic debate that he made was this. Marriage should not be penalized under the Tax Code, and that position he fought hard and long for, and it has maintained itself until the loss of the majority here. And that marriage penalty is threatened unfortunately by Democratic control of Congress, and hopefully, they will make that permanent, and it will be a tribute to you, JERRY, if they do that.

Not only does he have a lovely young bride, a congresswoman, Zury Rios Sosa from Guatemala, but a lovely daughter, and I can't even pronounce her first name, Marizu Catherine Weller, and JERRY has been proud to show these pictures around. We understand why JERRY now has chosen a different path in life. He's got a lovely bride, a young daughter. This is not a very great profession for families. It's very challenging. And no one casts any disappointment on JERRY WELLER choosing family over a profession here.

JERRY's been a confidante and friend. Our staffs are very close. My chief of staff worked in his first campaign. JERRY has been very helpful to me. He knows that. I'm honored to call you a friend, and I look forward to working with you for many years to go.

RAY LAHOOD. These guys are like two polar opposite-type guys. RAY's come up through the political system as a staff director for Leader Bob Michel, a State rep himself, a man of the institution. Shocking that he would decide to leave because he loves the institution so much. RAY is close friends with former Speaker Denny Hastert. He's a guy that you always know where RAY stands, and he's not embarrassed to tell you, and he's not embarrassed to tell his constituents when they agree with him and when they don't.

RAY has a unique ability to confront those in opposition with him forcefully and firmly. Some of those attributes I've tried to take on because sometimes you have to confront those who attack your values and your position. You've got to attack it front on. You don't want to be coy. You just want to tell them what it is you believe and why, and that's what RAY has always brought to the table.

RAY and I have had our own fights, but our friendship and loyalty has lasted through the time of our service. He's also finishing his seventh term, that means 14 years as a Member of the House, many years with Leader Michel, probably 30-plus years in Federal service that he's done for this great country.

A man from Peoria, born, raised there, lives there, went to school there, again a southern Illinoisan who tries to balance the interests of rural America and agriculture interests with some of the big, monumental issues of our time. He proudly represented Caterpillar, which the home office is in Peoria, and made sure, as JERRY WELLER did, the importance of trade to both our agricultural community and manufacturing sector, especially Caterpillar.

These are good friends, mentors to me, mentors when I was doing stuff right and mentors when I was probably going off the track and I needed some direction to stay focused on the responsibilities as a Member of Congress. JERRY was always there to help me do that. RAY definitely was, also. I appreciate that.

We're going to miss them, but they have chosen to pursue other pursuits. We want to honor and recognize that, and I want to thank them publicly for their service.

TRIBUTE TO THE HONORABLE JERRY WELLER AND THE HONORABLE RAY LAHOOD

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

Mr. ROSKAM. Madam Speaker, it is a real honor for me to be here with my colleagues from Illinois to honor two men who have really served admirably and have brought great pride to the Land of Lincoln.

The first is Congressman JERRY WELLER who I got to know in the Illinois House of Representatives, and I served for one term with Congressman WELLER. When he was in the State House of Representatives, he had a reputation of somebody who knew how to come back.

And he got involved in a tough election, and I won't drag you all through the weeds of that tough election, but he got dealt a tough blow in that many people thought he fairly won that election, but for a whole host of political reasons, he wasn't seated in that election. Do you know what? Rather than going home and say, oh, woe is me, JERRY WELLER came back and he went out and he campaigned, and he earned the confidence of the voters of that district. He earned the confidence of his neighbors in Morris, Illinois, and he came back, and he was there to greet me when I first went to the House of Representatives in 1992.

Then JERRY WELLER was a part of the historic class of 1994 that came in, and as has been previously mentioned by Mr. MANZULLO and Mr. SHIMKUS, he was the person who focused in on repealing that marriage penalty, and I remember him talking about that to me. I remember him focusing on that. I remember reading about JERRY WELLER pursuing that and pursuing that and pursuing that, and as we all know, it is a very difficult thing to pass a major piece of landmark legislation like that. There's a lot of exit

ramps around here for good ideas. There's a lot of trap doors for good ideas. But JERRY WELLER was tenacious and he was able to put together the coalitions. He was focused and he got that done, and today, millions of Americans have fundamentally benefited because of his tenacity and the political savvy with which he moved that through the House and ultimately through the Congress.

He had other successes as well, and that was the transformation of the Joliet arsenal in Illinois, and that was property that had not it been for his leadership in his district, it could have essentially gone by the wayside. But because he was tenacious and he was focused, it's been turned into a good thing.

So JERRY WELLER, we are going to miss you, and it is with regret that we're here tonight. But it is with a great deal of hope and optimism that we'll see you and your tenacity and the glint in your eye.

The other person that we're here to honor is also another member of that class, and that is Congressman RAY LAHOOD. Congressman LAHOOD has been described by Mr. SHIMKUS as a man of the House, and I kind of feel like he has the demeanor of sort of Dad coming home. When he would be in the Chair and the House would be raucous and a little bit spunky, he would gavel that down, and he was entrusted with the gavel during some of the most historic times.

And he is a man of history because he serves in the same seat that Abraham Lincoln served in. He's from the same hometown as another Illinois great, that is, Everett Dirksen. He served also at the side of Bob Michel, and these are great Illinoisans.

I'm pleased that now the Easter Seals of Peoria, Illinois, has chosen to honor Congressman LAHOOD and his bride by setting up the Ray and Kathy LaHood House for Children with Special Needs.

I think it's indicative of the type of person that he is, the type of integrity, the directness with which he interacts with his colleagues, and I know that that's great encouragement not only to me but I know it's great encouragement and a great example for all Americans.

So for these two men who have chosen to sacrifice so greatly and serve our State so well, I can tell you, Madam Speaker, that it is with a great deal of pride that I say it's been an honor to serve with Congressman WELLER. It's been an honor to serve with Congressman LAHOOD, and I look forward to our paths crossing many, many times in the future.

Mr. LEWIS of California. Madam Speaker, I rise tonight to honor the incredible service of my very good friend RAY LAHOOD. I have had the privilege of serving alongside him as a Member of the Conference and as an Appropriator.

I first met RAY when he was a young staffer for Bob Michel. He performed invaluable service in helping Bob be a great leader. RAY's son Darin was looking for work and it was a pleasure to bring him into the extended Lewis family as a part of my personal office. With my encouragement, Darin went on to law school as an attorney in Nevada. I know I share RAY's pride as Darin has returned home to Illinois to run for Peoria County State's Attorney.

RAY is a consensus-builder and a commonsense legislator and has distinguished himself as a champion of this great institution. Throughout his time here he has fought vigorously to ensure the Capitol stays the "people's house" and that it remains a beacon for motivated and service-minded young people.

I know his constituents appreciate his selfless service. His efforts are a testament to the highest level of commitment an individual can demonstrate on behalf of others. I join my colleagues in wishing RAY, Kathy, and his family well.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, the 5-minute Special Order of the gentleman from Texas (Mr. GOHMERT) is vacated.

There was no objection.

TRIBUTES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes.

Mr. GOHMERT. Madam Speaker, at this time I do want to yield such time as he may consume to the man who has been talked about a great deal. If I didn't know better and didn't know him so well, I would say they've been exaggerating, but there has been no exaggeration, a great man, a great Representative. It's been an honor to serve with him

I yield to JERRY WELLER of Illinois

Mr. WELLER of Illinois. Madam Speaker, I want to thank my good friend from Texas for sharing his time in giving me the opportunity to say thank you, not only thank you to my constituents but thank you to my colleagues, particularly those from the Illinois delegation who are here tonight, my friend DON MANZULLO and JOHN SHIMKUS and PETER ROSKAM for taking time to say a few nice things about RAY LAHOOD and myself, and for that I appreciate that so much. But also I want to say thank you for the partnership I've had with you as a member of the Illinois delegation over the 14 years that I've had the privilege of serving in this House.

You know, RAY LAHOOD's a good friend to all of us, and of course, I want to take a moment and just salute RAY LAHOOD who, as my colleagues in the delegation and all the Members of the House, both Republican and Democrat know, is a man who's a man of this institution, someone who's worked tirelessly to bring civility to the House, a man who led efforts to convene bipartisan retreats. Four House bipartisan retreats were cochaired by RAY LAHOOD in his effort to bring civility and bipartisanship to the House. And I think if you can think of just one thing about RAY LAHOOD, it is his commitment and desire that the institution of this Congress should work together to solve the challenges that we have before us.

You know, I look back over the 14 years that I've had the privilege of serving in the House as a member of the House Ways and Means Committee and the opportunity I had to serve on the Foreign Affairs Committee and serve, of course, as a deputy whip, I think of those opportunities to get to know my colleagues and have an opportunity to work with my colleagues on both sides of the aisle, and I can't say a few words tonight without saying thank you to all the men and women that I've had the privilege of serving with, for the courtesies, for the opportunity to work together, and frankly, we had some good times as well in that process. I want to say thank you to everyone, and I also want to thank my colleagues for serving in this Congress.

You know, there's a lot of work that goes sight unseen. You don't often get thanked enough for the work that's done behind the scenes, but I want to thank my colleagues for their work and for their commitment to public service.

I also want to thank my colleagues for the support that you have given me in the projects and the legislation that I've had the opportunity to work on.

My friends mentioned the marriage tax penalty, which was an issue of fairness, and that issue came to me in my first campaign. I remember a young woman who came up, she was working in the office in my campaign, and she said, you know, JERRY, if you do get elected to Congress, there's an issue I want you to look into and I hope you will fix it. It's a penalty. If you're married, you're going to pay higher taxes.

She said, you know, my boyfriend and I, we want to get married. We both have pretty good jobs, and my friends said you better do your taxes jointly just to experiment and find out what your obligation would be. And they did that. They discovered they paid about $1,400 more in higher taxes just if they got married.

□ 2130

And because it was clear to me that it was unfair and, frankly, wrong that you should pay higher taxes just because you're married, that doesn't seem right, it's wrong, that our Tax Code was punishing marriage; where if two people worked, and because when you marry you file jointly, your incomes were combined. And the way our complicated Tax Code was structured, 42 million married working couples across America were paying higher taxes, on average about $1,400.

And I want to thank President Bush for signing into law my legislation eliminating the marriage tax penalty,

which, on average, saves married couples today $1,900 that they otherwise would pay had we not successfully worked to bring greater simplicity to the tax code, and ensuring that our tax code essentially today is marriage neutral. Two married people who both are in the workforce, who file jointly because they're married, will not pay higher taxes than two people that aren't married, but with similar incomes and with similar status. And so, today, we've eliminated the marriage tax penalty.

Unfortunately, in 2011 that reform expires. And I would encourage my colleagues to make elimination of the marriage tax penalty permanent so that we can protect the most basic institution in our society from a financial penalty we all know as the marriage tax penalty.

I also want to thank my colleagues for the work that we did on working to protect children from Internet predators. With their support, we were able to pass the Internet Predator Protection Act. I want to thank my colleagues for the support you gave me in our effort to ensure that veterans would have a better opportunity to obtain health care locally. You know, traditionally, the Veterans Administration always provided health care through VA hospitals. But many of our veterans live in rural areas and exurban areas where they would have to drive great distances.

And so we worked—in fact, my colleague, DAVE WELDON, and I, he is a classmate—and he's retiring this year as well—we cosponsored legislation that for the first time gave the VA the authority to enter into a cooperative sharing agreement with local health care providers, like a local hospital, to open, essentially, an outpatient clinic in the local area where veterans can go and receive their outpatient care.

And one thing I noted, because today the La Salle Veterans Outpatient Clinic in La Salle, Illinois, is a perfect example of that; we have 45,000 veterans living within a 45-minute driving radius of La Salle. Many of the veterans that obtained health care there, it was the first time they were able to obtain health care because otherwise it was too inconvenient. They weren't able to travel all the way to Chicago to Hines Hospital.

So those efforts made a difference. And whether it was helping veterans or protecting kids from Internet predators, eliminating the marriage tax penalty, it took the support of my colleagues. And I want to thank all my colleagues for the support that you gave me in those efforts.

Some of my friends in the Illinois delegation referred to the Joliet Arsenal. And when I was elected to Congress, the Joliet Arsenal was a 24,000-acre surplus military facility during the Vietnam conflict, during World War II, and before. The vast majority of the TNT production for America's military was produced at the former Joliet Arsenal. In the late seventies it was shut down. In the 1980s it was a rusting, essentially abandoned place. And the community came together and we worked with conservationists and business and labor, political leaders in both parties, a lot of volunteers, veterans, the environmental community, and we worked to put together a plan, a plan that was a win-win-win for the community. We took what was the largest single piece of property in Northern Illinois, created the Midewin National Tall Grass Prairie, a 19,000-acre conservation area, the first-ever tall grass prairie—now administered by the Forest Service—and the first of its kind, but also the largest today.

Essentially, we created what became as affectionately known by many as Will County Central Park. We doubled the amount of open space set aside for posterity in Will County with our legislation to redevelop the Joliet Arsenal.

We also created the Abraham Lincoln National Cemetery, which today, geographically, is the second largest national veterans cemetery named after Abraham Lincoln. Not only is Illinois the land of Lincoln, but we have to remember that the Gettysburg Address, made so famous by Abraham Lincoln, actually was the dedication of our Nation's first veterans cemetery. And so we thought it was appropriate to name the Abraham Lincoln National Cemetery after the President who started the national cemetery system in order to honor, with dignity, those who risk and sacrifice their lives for our Nation.

We also set aside about 3,000 acres for the creation of jobs. And we were fortunate to recruit Center Point Properties, a Chicago-area firm. They partnered with Burlington Northern Santa Fe Railroad. And as a result of that partnership, private development attracted over $1 billion in investment—creating jobs, creating what is one of the largest intermodal truck, rail, freight handling facilities. We've now had manufacturing, warehousing and distribution come there. Our farmers benefit because their grain goes to Asia through the terminal there at the former Joliet Arsenal. And almost 8,000 workers today are directly and indirectly employed as a result of that effort.

And it was a team effort, I'm so proud to say. And we can continue building on that effort to redevelop the Joliet Arsenal, creating the Abraham Lincoln National Cemetery, the Midewin National Tall Grass Prairie, and of course the two industrial sites that now have attracted over $1 billion in investment.

You know, one of the areas that I've also enjoyed having the privilege of being involved in as a Member of this House was my belief that our economy grows, and manufacturing and farmers and workers, that all Americans benefit when we expand trade, when we increase the commerce between our Nation and others. You know, we're a Nation of 300 million people. We represent 4 percent of the globe's population. Ninety-six percent of the people who live on this Earth live outside of the United States. And I believe that our economy grows when we find a way to market services and produce products and manufactured goods and agricultural products that come from States like Illinois that I represent, having an opportunity to sell them overseas to foreign markets. It grows our economy and creates opportunities for our young people.

And trade today, if you look at economic figures, you look at the discussion we're having about the economy, this past quarter we had 3.3 percent economic growth. And if you analyze where that growth occurred, 90 percent of that growth came as a result of exports—whether it's yellow construction equipment made in Joliet or corn and soybeans grown in Illinois, our export markets growing this economy.

And a key part of that are the trade agreements that we passed in the last few years, particularly the Dominican Republic-Central American Free Trade Agreement, known as DR-CAFTA, the Chilean Agreement, the Peruvian-Chilean Trade Agreement, all good agreements that the opponents would say were going to cost us jobs, and actually today have generated tens of thousands, if not hundreds of thousands, of new jobs.

The DR–CAFTA agreement actually took a trade deficit with our six trading partners in Central America and the Dominican Republic, where we had a trade deficit prior to that agreement, and because it eliminated all sorts of barriers—particularly tariffs—on U.S. products and Illinois products, today we have a significant trade surplus with our DR–CAFTA partners.

Clearly, trade wins for States like Illinois as well as America. And that's why it's so important that we ratify the U.S.-Colombia Trade Agreement, which, Colombia is a nation of 42 million people; it's the longest standing democracy in all of South America. It's recognized as America's best friend and best partner in all Latin America. But the population of Colombia is essentially equal to the population of all the DR–CAFTA nations combined. Tremendous opportunity.

My hope is that we will ratify this agreement before I leave Congress before the end of this year. And my hope is, as we look to the future on the issue of trade, that we can bring trade back to the middle again and continue moving forward to grow our economy and expand opportunities to sell U.S. products and grow our economy in agriculture and manufacturing, and of course give workers the opportunity for better jobs as a result of expanded exports.

Let me close by saying thank you to my family. You know, I remember when I was sworn into Congress 14 years ago, my mom and dad, Lavern and Marilyn Weller, came out, as did my Aunt Mary and Aunt Eileen, and

many friends and family came. I particularly want to say thank you to Mom and Dad, Lavern and Marilyn Weller, who worked so hard raising pure bred and Durock and Hampshire hogs, having many champions at various fairs, selling pure bred hogs all over the world.

And frankly, Mom and Dad taught me the value of trade. I remember when President Nixon opened up relations with China, the first shipment of hogs that were purchased by the Chinese included pigs from the Weller family farm. And of course after that, the result of the hard work of my mom and dad, they sold hogs to about 30 nations around the world. I'm very proud of that. In fact, they gave me the opportunity to be involved in 4–H and FFA. And I had the grand champion barrel at the Illinois State Fair my last year in 4–H. But it was all because of Mom and Dad and the opportunities they gave me, to go to the University of Illinois, to pursue a career off the farm, and of course to become involved in public service.

I look back at my campaigns. My mother was always my best campaigner. If you went to a JERRY WELLER campaign event, you would always see Marilyn Weller, my mom, right there, shaking everyone's hand, thanking them for coming. And she would always wear a big button that said, ''I'm JERRY's mom.'' She was my best campaigner.

I want to thank my sister Pat and my brother Doug. We lost our brother Rod this past year, and he is now buried at the Abraham Lincoln Cemetery. And Rod and Doug and Pat were all part of the campaign as well, the support they gave me. And I can't go without saying thank you to my siblings.

And of course, as I close, I want to say thank you to my wife and my daughter. You know, when I came to Congress, I was a single guy. And who would have thought that as a result of coming to Congress I would meet my wife and fall in love and have a family today. And my wife and I, we have a very unique relationship. We're the only parliamentarians from two different countries who are married. My wife is a Member of Congress in the nation of Guatemala. She served in her Congress as long as I have, 14 years. And she's much younger. And frankly, she is a very skilled and dedicated legislator on her own, someone who I am so proud of the work that she does. But Zury Rios de Weller—as she is officially known as now—is a great partner, and she is a wonderful wife, and most important of all, she's a wonderful mother. Who would have thought that as a result of my opportunity to serve in Congress I would meet my wife and I would become a dad? And we have a 2-year-old girl, Marizu Catherine Weller Rios. Marizu is a very bright, happy, healthy little girl. And I am so very proud and so very fortunate to have Zury and Marizu in my life.

And as I look at what I'm going to be doing in the future, when I leave this Congress, my first priority is to be a good husband and a good father. And I look forward to my years ahead with Zury and with Marizu and the opportunities that we'll have to do things together.

So many of my colleagues have said, you know, when I got elected to Congress, my kids were in diapers. And all of a sudden they're now in high school or they're now in college, and I haven't seen much of them. But what really caught my attention was, I was looking through the family photo albums, and I'm not in the photos—because I wasn't there, because I was attending meetings and functions everywhere else. Well, for me, I want to be with my daughter. I want her to see me at all our family functions. I want her to see her dad every day.

And people often ask, why do you want to leave Congress at age 51? It's because I was blessed at age 49 becoming a father for the first time. And my daughter, Marizu, is my one and only child. And I look forward to being her father in the years ahead, to being there, attending all her activities, hopefully being a good dad, but most of all, enjoying life with my wife and daughter.

Again, I want to say thank you to my colleagues in this Congress for the courtesies, the opportunities to work together. I want to thank especially my colleagues in the Illinois delegation for the partnership we've had, both Democrat and Republican, and for those who took time tonight to say some nice things about RAY LAHOOD and myself, since we're departing this Congress.

I particularly want to say thank you to JOHN SHIMKUS and DON MANZULLO and PETER ROSKAM for taking time to come to the floor to say some nice things. And for that, I want to say thank you, you're my friends.

Ladies and gentlemen, this is probably the last speech I will make on the floor of this House as a sitting Member of Congress. My hope is we will have a lame-duck session, but if we don't, this is my final address. Again, I want to say thank you very much.

□ 2145

Mr. GOHMERT. Madam Speaker, we are going to miss the Honorable JERRY WELLER and do appreciate all he has done for this country, not just for the people of Illinois.

Well it is with great pleasure that I rise tonight to pay tribute to a constituent, a good friend, a former colleague, Judge Cynthia Stevens Kent, who will be retiring at the end of this year following 25 years of judicial service. So I wanted to make this tribute a part of the permanent CONGRESSIONAL RECORD so that people in future generations would know of this great judge.

Throughout her years of faithful service to the State of Texas, Judge Kent has gained the respect and admiration of friends, colleagues and especially fellow judges. Her knowledge of the law and commitment to bettering the judiciary is not just well known in east Texas but throughout the country. East Texas has been blessed to have such a wise leader. And it's truly a better place to live because of her hard work.

After receiving her law degree from South Texas College of Law in Houston, Judge Kent moved to Tyler, Texas, with her husband, Don. She opened her own law firm, but in 1984 she left the lucrative practice to dedicate herself to public service. For 4 years she served as judge of the Smith County Court at Law Number Two. She oversaw misdemeanor criminal cases, workers' compensation cases, substantive civil cases, condemnation cases, mental health, probate, juvenile, family law and appeals from justice of the peace and municipal courts.

After 4 years in that capacity, Judge Kent was successfully elected as the first woman to serve on the Texas 114th Judicial District Court serving both Smith and Wood counties. As judge of this court, she has overseen felony criminal cases, divorce and family law, juvenile, land claims, election contests, very substantive civil cases, workers' compensation, contested probate matters, and juvenile law in general. She has diligently presided over this court for the past 20 years.

Now throughout her career, Judge Kent has established herself as a wise, hardworking, law and order judge. There is not much question about that. She has cleared a large backlog of cases while gaining a reputation among criminal defendants as a judge you wanted to avoid.

Judge Kent is widely known for her strong commitment to teaching and to furthering her own legal education. During her time on the bench, she received a masters of judicial studies from the National Judicial College, and she is currently working toward candidacy for a Ph.D. She served as a faculty instructor at the National Judicial College teaching ''advanced evidence'' and ''handling capital cases.'' She has spoken and taught at countless judicial conferences, seminars and courses throughout the country, all the while dedicating herself to the east Texas community by serving as a volunteer instructor at Texas College in Tyler, Texas.

Judge Kent has written and co-authored numerous publications, and she has served on a variety of boards and associations. Most recently she was chosen by Governor Rick Perry to be a member of the Governor's Criminal Justice Advisory Council which is tasked with the difficult job of reviewing the criminal laws in Texas. It's undeniable that Judge Kent has distinguished herself as one of the Nation's leading judicial scholars.

Throughout all of the many demands of her professional career, Judge Kent has managed to raise a wonderful family with the love and support of her

husband, Don Kent. The Kents have been married for over 32 years and have three sons, Drew, Jarad and Wayne.

Judge Kent's dedication and commitment to God, her family, the law and to faithfully serving east Texas is evident not just from the accomplishments already mentioned, but from the admiration and kind words of almost anyone across the region. She has been a wise judge, a dependable colleague, a patient instructor and a dear friend whose leadership has been an inspiration to so very many. Whether you agreed or disagreed with her, you never wondered where she stood. ''Shy and withdrawn'' were never adjectives used in the same sentence with her name.

During my years as a judge, I served at the opposite end of the courthouse on the same hall, same floor. It was always such a comfort to know that as difficult questions arose on exceedingly complex and even life-and-death cases, I had a knowledgeable friend whose judgment and advice could be trusted at the other end of the hall. All it took was a walk down the hall to her office or she to mine for an insightful, methodical discussion of the law to arrive at a proper solution. I was always in awe of just how amazing she was at multitasking like no one I had ever seen. She is truly an extraordinary person.

Judge Kent is to be congratulated for her so many years of dedicated service, and now with retirement, she should be thanked for her committed devotion to the people of east Texas. My condolences on the other hand also have to go out to Smith County residents on the loss of such a dedicated jurist.

May God bless Judge Cynthia Stevens Kent and all of the work that she has done.

Now Madam Speaker, at this time I would like to yield such time as he may consume to my friend from Illinois, Mr. JOHN SHIMKUS. We have been in a financial crisis, we're told, and my friend, JOHN SHIMKUS, has been talking about something that could have avoided the whole problem.

And I would yield such time as he may consume.

Mr. SHIMKUS. Well, thank you, Judge. You're a friend and a colleague, someone that helps us share a laugh and a joke. We also know of your powerful oratory ability when things need to be said. I don't know if I have seen you so emotionally engaged in this tribute to your colleague and friend. I think that is probably one of the best tributes you can give someone. So it was noticed by me. And I know it was noticed by your colleague. And I know she appreciates it.

I'm going to take a few minutes just to tie two things together. We had this great financial crisis. This financial crisis is based upon two events. One is the subprime financial mortgage issue that has worked its way through Wall Street. The other one is high energy prices. And these two things have really put a damper on the economy.

We've had some great successes in this Congress with this CR that just passed. After a good couple of months about fighting over the oil and natural reserves in this country, we won. The OCS moratorium has been lifted, and the moratorium on oil shale has been lifted.

Now what am I talking about? I'm talking about that we, as legislators, especially on the Outer Continental Shelf, which are these areas here, the red, since 1982, we said we're not going to allow any Federal money to be spent to lease areas for exploration and recovery of oil and gas, thus depriving the country of the revenues from those areas and depriving those countries from the jobs that would be created. And so we, with the consistent drumbeat, have, for this time, for this short time, have won that fight. Also here, we see three mountain States in which we also put off-limits recovery exploration of oil shale. Oil shale can be turned into liquid fuels. We said we're not going to allow any Federal money to be spent to allow that to happen. In the continuing resolution, these moratoriums were taken off the books so that now, we know it still takes years, the Federal Department of Mines and Minerals are going to have to go through the regulation and accept the request and do that action, but at least these things can start. And when we're exploring for oil and gas and starting to recover that, we're using oil shale to turn into fuel, we've got a couple of things happen. We bring on more supply.

Now I'm not one that says we're going to drive prices down to prices that they were a year, a year and a half ago. But I will say what we do want to do at a minimum is stabilize energy prices. And hopefully we can drive them down. But we do need to stabilize them, because the middle class, the poor and rural America are those who are hurt the most by high energy prices. And it hurts our ability to buy goods and services, and it depresses our economy.

It didn't take very long for the ink to dry on the CR, the continuing resolution, when rumors started coming out from the Democratic leadership saying, we were just joking, as soon as we come back, we're going to replace that moratorium on the Outer Continental Shelf, thus depriving us of the oil and gas in those areas and depriving us of those revenues that can be generated to help grow our economy. So I'm just putting my friends on the other side on notice. We're going to do what we did in this Congress next Congress. And we're going to hold them accountable. And we're not going to allow them to take these areas that we have now opened and open it and allow them to use it for this political short period of time to get re-elected and then come back here and close it. If they think they had a fight this year, wait until next year. We are going to sharpen our swords, and we're going to be ready to come back. And I think it's going to be much more difficult for them to make the case that they should close these areas up.

So I want to come down here tonight, obviously a great competitor in the political arena and public policy is the majority leader, STENY HOYER. Actually most of us really like the majority leader. But his quotes today say, we're going to do this first order of business, we're going to close these areas up. And to the majority leader, I just say, we're ready to go and fight for this in the long haul because it will be good for jobs and the economy and lowering the energy costs for average Americans.

So Judge GOHMERT, I appreciate your allowing me to share some of your time tonight. I look forward to the conclusion of this Congress. And I'm even looking more expectantly to the next Congress as we try to continue to use all our natural resources that we have. We won on OCS. We won on oil shale. We have a long way to go on coal. We still have the Arctic National Wildlife Refuge. We have great places that we can recover oil, gas and coal and make this country more energy independent. And I know with your help we're going to be able to that.

Mr. GOHMERT. Would the gentleman be willing to engage in a colloquy?

Mr. SHIMKUS. I would be honored to engage in a colloquy.

Mr. GOHMERT. Here we have been hearing so much about the financial crisis, and the Secretary of the Treasury has said that we need $700 billion to bail out Wall Street. He doesn't use those words. It's so ironic. We've been hearing Boone Pickens talk about $700 billion. But he has been talking about the massive transfer of wealth from the United States to countries, many of whom don't like us, where we're buying their oil, when we could be producing our own if the majority would just let us do so.

So when we talk about a financial crisis, and we talk about that influx of $700 billion being spent on American energy and American jobs being created, because I know you and I have talked about it before, and you haven't touched on it tonight about the effect of that $700 billion being spent on our shores in ANWR. Do you want to touch on that?

Mr. SHIMKUS. Well I do want to highlight the fact everybody talks about the trade deficit, and what is the biggest impact on the trade deficit is our purchasing of energy from foreign countries, especially in this era of high energy prices. This $700 billion number that you're referring to is a transfer of wealth from Americans to some of our friends, Canadians, they are our largest importer. We import from them. They are a large exporter of energy to us, and Mexico, but we also transfer our wealth to places where we're not sure about our relationship. We know Venezuela is not our friend. We have an interesting relationship with Saudi Arabia. One day we're close, and the next

day they may be funding our enemies. They fund our enemies through oil revenues that we're paying.

There is a better way. And that is to become more energy independent. And what I like about this debate, and I think you are alluding to it a little bit, is when we are recovering oil and gas and oil shale and I would say coal in other places, the government receives royalty payments for that exploration.

□ 2200

Congressman BARTON, the ranking member now of Energy and Commerce, has proposed, hey, if we are going to have to do this great outlay of money to stabilize the economy, we have a place we can go for revenues. Great idea. Let's have a pay-for. These would be great pay-fors.

Now, that hasn't really been resolved in this debate, but I still have always historically on the floor talked about the jobs that are created when you look for, find and then recover oil and gas in the OCS and the oil shale. And, of course, I am talking about that because that was part of the continuing resolution. Those are the provisions.

In fact, the majority leader of the Senate in the CR wanted to strip this portion out. In fact, he is trying right now, to say, oh, the House was wrong. They shouldn't have eased the moratorium on oil shale. I want to put that back on.

I don't think he is going to be successful. But the fact that in the Senate they want to do that and in the House they are talking already about doing the OCS, what does that do for the average consuming citizen of this country, and what signal does it send to the futures markets? It says, well, is the government serious about opening supply, or are we not?

We Republicans are serious about an all-American energy policy that brings in all our natural resources. Are our friends on the other side just playing a cruel joke on the country, saying yeah, we said so now, but, man, wait until January. We are just going to take it right back. I hope it is not a cruel joke, because it will cost my constituents a boatload of money, our schools, our hospitals, our jobs.

Again, we need to continue the fight that we started early this spring, through the summer, through the end of this Congress.

Mr. GOHMERT. Looking at the map that the gentleman from Illinois had prepared, it is ironic to me. Like up in New England, we see the area that is off limits for drilling. Well, it is not that New Englanders are against drilling the Outer Continental Shelf. In fact, apparently they are 100 percent for it, as long as it moves up the coast just a little bit and our friends from Canada drill right off of their part of the coast. Then our friends from Canada, as the gentleman has indicated, are gracious enough to pop it back down and sell it to us.

Now, I don't know if those sands under the Outer Continental Shelf are such that those formations, that pool is actually draining some of our oil that they are selling back to us, or our gas and selling it back to us. But if so, that is awfully gracious of them to do so, to sell us back some of our own oil and gas.

Then we have people saying under no circumstances whatsoever do we ever want any drilling done less than 50 miles off our coast. Well, you look at Florida, the map that you have got there, you see Cuba, they are 90 miles from the Florida coast, which nowadays under international law most countries claim 200 miles out, except where you share an area like that, in which case you split it.

So now Cuba is being kind enough to other countries, whether it is Russia, China, Venezuela, to allow them to come drill within 50 miles of the Florida coast, and, who knows, maybe they will be willing to sell us back some of our own oil and gas too for an appropriate profit going to those countries. But how ironic. They say they are against it, but it is not really being against it. It is just in our little backyard area.

I was amazed as the gentleman was talking about the arguments that have been made for some months, and I have got to say, I thank the gentleman from Illinois, Mr. SHIMKUS, who has been the leader on this issue and been terrific about it. JOHN PETERSON from Pennsylvania, we are going to miss him. He has been a great leader in discussing energy.

But as we talked about it through August, RALPH REGULA came and spoke one day on the floor without the mikes and with the lights dimmed. I did not know until Mr. REGULA pointed it out, he was on Resources back in 1981, and, of course, President Carter had signed an executive order. And in that order, and RALPH had that as well, he had said that the Outer Continental Shelf was such a vast great resource for energy for America, and the two words that stuck in my mind in President Carter's order was that it should be ''developed expeditiously.''

Well, according to RALPH, they got lobbied in 1981 by wealthy beachfront property owners on the California coast. They didn't want to see a platform out there within their sunset. They lobbied hard and eventually they won. Okay, we will give California a moratorium on drilling off their coast.

According to RALPH, immediately Florida beachfront landowners, the wealthy, not the poor and the downtrodden, not the hardest working in America, but the wealthy beachfront property owners, and I am proud of them, I am glad they are able to do that, they came rushing in. Wait a minute, you gave a moratorium to the wealthy beachfront property owners in California. We need to have one in Florida. So, they lobbied hard enough, had the wherewithal, the money to do a good job lobbying, and they got a moratorium.

And RALPH said, he said when they gave the moratorium to California, the committee will rue the day we ever did it, because that was 27 years ago. Then Florida got theirs. Then other States started coming in and saying, you gave it to California and Florida, we ought to get one too. That is where that came from.

Of course, in Texas, pretty pragmatic, we heard lots of horror stories. If you put platforms out there, it will kill all the aquatic life. You will never get another shrimp or fish out of the gulf.

Lo and behold, we have the platforms out there. They withstood category 5 hurricanes as far as not leaking. Some of them were destroyed, but they still didn't leak. And I kind of thought it looked pretty, you know. The sun sets, and out there you start seeing lights twinkling on the horizon, it is platforms. I know I am getting energy from it, and it is a whole lot better than having tankers come along and leak.

I was amazed, and that came because of the discussion we had with the lights dimmed, the microphones off, and RALPH REGULA giving us a little bit of history.

Mr. SHIMKUS. I was here that day also. And, of course, we honored RALPH tonight at an earlier special order where the delegation from Ohio was here, and that is the benefit of having Members who have served a long time. They help keep the whole debate in perspective. The new Members are firebrands, want to change the world, and that is good. We need all sorts. We will miss the RALPH REGULAS of the world.

But he wanted to come back. He wanted to participate in this debate, because he knew the history of this. Sometimes you think, oh, it is just the young firebrands. But he knew what we were doing, and because he had experienced the story you just told, he said I wanted to be part of that, because I want to set the record straight of what happened and why, and why we need to use this great resource that we have available for our energy security and for jobs and the economy.

Mr. GOHMERT. I appreciate the input, the insights. This deals with the energy issue, but it deals with the financial crisis in America. As the gentleman alluded to, this has helped contribute to a perfect storm in America for a financial crisis. But we are not hearing people on the other side of the aisle, and we haven't heard Secretary Paulson say, you know what, that kind of infusion of wealth could really boost the country, and then you wouldn't have to worry about bailing out the greediest among us that were on Wall Street and drove some companies into the dirt. Instead, what we have heard is we have got to spend $700 billion to build this governmental entity that will start managing assets.

Now, I think the world of the President. I think history is going to be good to him. He is an honorable, noble man. The biggest problem he has I

think is what Jeff Foxworthy says about people that speak with a southern accent; people hear the accent and immediately deduct 50 IQ points from how smart they think you are.

He is much smarter than people give him credit for. But he has listened to people like Secretary Paulson and others who have told him it is all gloom or all doom, and then has come before us and he said last night only the Federal Government could be patient enough to manage these assets.

I immediately thought, in the Resources Committee 2 years ago, in the last Congress, we put in a biomass incentive program where we would incentivize people to help create this alternative energy source. People bought into that, like we wanted them to, and they started building biomass plants. And when they are about to come on line, this Congress in the Resources Committee comes back and knocks that out. They say, no, we are not going to do that incentive program anymore. We are going to spend several million dollars to study, to see whether it is really feasible. Of course it was feasible. People relied on the government's promise that they would have an incentive, and then we yanked it out from under them.

So when I hear somebody say how patient the Federal Government is, we can't even keep the same tax incentives in place for 2 years so that people can take advantage of them. They know they would have trouble trusting the Federal Government.

Then I can also tell you as former outside counsel for the RTC and FDIC, I can't go into individual cases, but it is public knowledge and you can talk to anybody who ever dealt with the RTC or FDIC, when people knew the government owned an asset and they were needing to sell it, even if they could sit on it for a number of years, they always knew if the government owns it, we can pay less and get away with paying less than if a private entity owned it. They knew that.

The same way, if the government was going to buy it, they knew they should hold up the Federal Government, because eventually they would get what they want, and that is just the way it works. The private sector is the better place.

We have had some people who were greedy and ran these things into the ground. This Congress previously, as Congressman FRANK and Senator DODD, forced requirements on lending that caused them to make loans to people that couldn't repay them. We have had questions arise now as to potentially many of those loans may have been to illegal aliens, or, as they say in Great Britain, irregular migrants. But there is an accountability issue, and Congress has not done a good job of holding these people accountable, and that needs to start.

I am working on a bill, and some people are not real crazy about it, but there needs to be accountability. In the public sector, publicly traded businesses, there is a concept in contract law called the corporate veil. So if you are acting as an officer of a corporation and you commit some act of negligence, the corporation can be sued, but not pierce the corporate veil to go after the officer because he was acting on behalf of the corporation, unless you could prove he was acting outside that course and scope with the corporation. Then you might pursue him personally.

I would like to see if an officer makes decisions that a reasonable and prudent officer would not have made under the same or similar circumstances, and it is one of the or a proximate cause towards the demise, the bankruptcy, the insolvency of the corporation that is publicly traded, then perhaps there should be no corporate shield, and in the bankruptcy court the bankruptcy judge could look at the assets of that officer and make a determination legally, was this negligence, was it a proximate cause for the insolvency or bankruptcy, and, if so, let's bring those millions back you got from your golden parachute and put them back in the employee pension fund or to help some of the debts that you ran up before you left them high and dry.

There are things we can do. I am not getting a lot of traction on talking to friends on that, but, who knows? We may get them back.

We heard this morning that China banks have been told by their government not to make loans, one-day loans to U.S. banks, because they are concerned about their solvency. It is amazing that China would need to teach us a lesson about capitalism.

But I do thank my friend from Illinois. I appreciate your participation and insights into energy, because it is such a huge part of the solution to our financial crisis. So I thank you.

I was intrigued when a number of our Members went over to China 3 years ago. We talked to a number of CEOs about why you moved your company, why you moved your facilities, your plant, to China.

□ 2215

I figured the answer would be solely, well, it was just cheap labor. But the number one reason was that their corporate tax was half of what our corporate tax is in the United States. Then not only that, but China was willing to negotiate even lower taxes for a period of time to incentivize their coming to China.

Then you talk to them further, China has had some very polluted bodies of water, some of them were told if you will come and set your factory up on this body of water that's totally polluted, start using the water from that body, put it back clean, then we will cut you a better deal on corporate tax, and that it was well worth it for them to take advantage of that. So China was using corporations to help clean up their environment that they had made such a mess.

Having been an exchange student to the Soviet Union back in 1973, I am quite familiar with the fact that over there, any money that was paid was supposed to go into the Federal Government. That was socialism. Then everybody got a check got a check from this central government. That's how socialism worked.

I didn't realize, until I went to China, they don't do it that way. The Chinese do have a totalitarian government, and it's cause for great concern, but they have also noticed that in Hong Kong, and around the country, if you incentivize entrepreneurship and just take a part of that success, you make a whole lot more money than if you just make everybody bring in to the central coffers and then split it up equally.

That didn't work in the New Testament, when the New Testament Church tried. It ultimately resulted in the Apostle Paul saying, if you don't work, you don't eat.

It didn't work when the pilgrims did it. When they came to America they had a compact that they just bring into the central storehouse and then divided up equally. But then that ended up causing people, pilgrims, to notice, well, I am killing myself working here, and he is not working as hard I am, and he is getting the same amount, so they quit working.

I will never forget going to a collective farm, outside of Kiev, and I spoke just enough Russian back in those days when I could ask a question. I was intrigued because it was midmorning, around 10 a.m. or so, and there were a bunch of farmers sitting around in the shade.

I asked, you know, when do you work? Anybody that's worked on a farm back in east Texas or in west, anywhere in Texas, knows if you are going to work out there, you get up early, and you do everything you can as early as you can, because it starts getting hot. It was the same way there. I said, when do you work in Russia, and they laughed. One of the men, and I am not sure how many rubles he said, but he said, I make the same number of rubles if I am here in the shade or out there in the sun, so I am here in the shade.

That's why socialism doesn't work, and that's why, when we had this proposal from Secretary Paulson to have the government seize this massive amount of assets and then manage them for years and years, we could see this is the biggest step towards socialism that we could have ever imagined in this country, couldn't believe it was being proposed by our administration.

It's still unbelievable to me. We know the principles. As I have said before, I started making speeches in junior high and in debates in high school talking about the free market and entrepreneurship. If you set the American spirit free, it's amazing what they could do.

Now they want to come in and have me say that that was all a lie? I don't

believe it was a lie. I believe the government makes sure everybody has a level playing field, punish the wrongdoers, punish the evildoers, but then keep that level field available out there to play on, and then let entrepreneurship reign.

That's the best way to go. That's not what's proposed here, so there was a bunch of others. We had a plan that we proposed in the Republican Study Committee that would cut capital gains, cut income tax or anybody that will come in and buy these assets.

Boy, you think about that, we would stir up the market, get them excited about coming in and making money. It would be fantastic. We wouldn't have to create this huge bureaucracy to do that. It just comes back again to the USSR that lasted 70 years, because it was doomed to failure, couldn't stand, versus the free market.

You look at Ireland. I was talking to somebody from Ireland, and I understood them to say their corporate tax was 12 percent, China 17 percent, we are double that. France and Germany saw the way Ireland has become, I believe, the fourth fastest-growing country in the world, as companies are flocking in there, more jobs, better standard of living.

France and Germany, who had been tending towards socialism are now realizing, whoa, if we will just cut our taxes, then people will flock into here like they are into Ireland and like they have been into China to do business.

Now, I appreciated my friend, Mr. MCCOTTER, pointing out that Secretary Paulson could end up with a piece of paper, he was hoping to come away from their discussions today, come out, wave a piece of paper in front of the cameras, say we have this agreement, and this means fleece in our time, because Americans taxpayers would not be well served.

I appreciate my time is about to expire, and I appreciate the time tonight to talk about these issues, but there has got to be accountability. I believe you will have full cooperation in making people fully accountable on both sides of the aisle, but let's don't turn $700 billion of the economy over to the government. Let's incentivize good conduct. Let's incentivize the free market at work because socialism doesn't.

I yield back and appreciate this opportunity.

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. ARCURI) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. KAGEN, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

(The following Members (at the request of Mr. SALI) to revise and extend their remarks and include extraneous material:)

Mr. MCCOTTER, for 5 minutes, today.

Mr. MCHENRY, for 5 minutes, today.

Mr. GARRETT of New Jersey, for 5 minutes, today.

Mr. PENCE, for 5 minutes, today.

Mr. GOHMERT, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. MANZULLO, for 5 minutes, today.

Mr. SHIMKUS, for 5 minutes, today.

Mr. ROSKAM, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1276. An act to facilitate the creation of methamphetamine precursor electronic logbook systems, and for other purposes; to the Committee on Energy and Commerce 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.

S. 2840. An act to establish a liaison with the Federal Bureau of Investigation in United States Citizenship and Immigration Services to expedite naturalization applications filed by members of the Armed Forces and to establish a deadline for processing such applications; to the Committee on the Judiciary.

S. 3550. An act to designate a portion of the Rappahannock River in the Commonwealth of Virginia as the ''John W. Warner Rapids''; to the Committee on Natural Resources.

S. 3560. An act to amend title XIX of the Social Security Act to provide additional funds for the qualifying individual (QI) program, and for other purposes; to the Committee on Energy and Commerce.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 10 o'clock and 22 minutes p.m.), the House adjourned until tomorrow, Friday, September 26, 2008, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

8638. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — National Animal Identification System; Use of 840 Animal Identification Numbers for U.S.-Born Animals Only [Docket No. APHIS-2008-0077] (RIN: 0579-AC84) received September 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8639. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Tuberculosis; Amend the Status of California From Accredited Free to Modified Accredited Advanced [Docket No. APHIS-2008-0067] received September 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8640. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pesticides; Food Packaging Treated with a Pesticide [EPA-HQ-OPP-2006-0175; FRL-8382-3] received September 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8641. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pendimethalin; Pesticide Tolerances [EPA-HQ-OPP-2008-0405; FRL-8368-8] received September 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8642. A letter from the Comptroller, Department of Defense, transmitting a letter to report a violation of the Antideficiency Act, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

8643. A letter from the Deputy Secretary, Department of Defense, transmitting an amendment to the list of payment-in-kind (PIK) projects required by U.S. Army Europe, pursuant to Public Law 101-510, section 2921; to the Committee on Armed Services.

8644. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting the Department's 2008 Report to Congress on Sustainable Ranges, pursuant to Section 366 of the National Defense Authorization Act for Fiscal Year 2003; to the Committee on Armed Services.

8645. A letter from the Regulatory Specialist Legislative and Regulatory Activities Division, Department of the Treasury, transmitting the Department's final rule — Assessment of Fees [Docket No. OCC-2008-0013] (RIN: 1557-AD06) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8646. A letter from the Assistant to the Board, Federal Reserve System, transmitting the System's final rule — Transactions Between Member Banks and Their Affiliates: Exemption for Certain Securities Financing Transactions Between a Member Bank and an Affiliate [Regulation W; Docket No. R-1330] received September 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8647. A letter from the Assistant Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — COMMISSION GUIDANCE AND REVISIONS TO THE CROSS-BORDER TENDER OFFER, EXCHANGE OFFER, RIGHTS OFFERINGS, AND BUSINESS COMBINATION RULES AND BENEFICIAL OWNERSHIP REPORTING RULES FOR CERTAIN FOREIGN INSTITUTIONS [RELEASE NOS. 33-8957; 34-58597; FILE NO. S7-10-08] (RIN: 3235-AK10) received September 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8648. A letter from the Assistant Secretary for Employment Standards, Department of Labor, transmitting the Department's annual report to Congress on the FY 2005 operations of the Office of Workers' Compensation Programs; to the Committee on Education and Labor.

8649. A letter from the Acting Assistant Secretary for Communications and Information, Department of Commerce, transmitting the Department's final rule — Household Eligibility and Application Process of the Coupon Program for Individuals Residing in Nursing Homes, Intermediate Care Facilities, Assisted Living Facilities and Households that Utilize Post Office Boxes [Docket

Number: 080324461-81121-02] (RIN: 0660-AA17) received September 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8650. A letter from the Attorney, Office of General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Coordination of Federal Authorizations for Electric Transmission Facilities (RIN: 1901-AB18) received September 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8651. A letter from the Associate Administrator, Environmental Protection Agency, transmitting a draft bill to amend the Toxic Substances Control Act; to the Committee on Energy and Commerce.

8652. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Standards of Performance for Petroleum Refineries [EPA-HQ-OAR-2007-0011; FRL-8721-5] (RIN: 2060-AN72) received September 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8653. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Addition of Certain Persons to the Entity List; Removal of General Order from the Export Administration Regulations (EAR) [Docket No. 0809021173-81210-01] (RIN: 0694-AE46) received September 22, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

8654. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting a report from the Accountability Review Board, pursuant to 2 U.S.C. 4831 et seq., section 301; to the Committee on Foreign Affairs.

8655. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-503, ''St. Martin Apartments Tax Exemption Temporary Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

8656. A letter from the Assistant Administrator Bureau for Legislative and Public Affairs, Agency for International Development, transmitting Year 2007 A-76 Inventory of Commercial Activities for FY 2006 for the U.S. Agency for International Development, pursuant to the Federal Activities Inventory Reform Act of 1998; to the Committee on Oversight and Government Reform.

8657. A letter from the Secretary, Department of Homeland Security, transmitting the Department's Strategic Plan for Fiscal Years 2008-2013, pursuant to Public Law 103-62; to the Committee on Oversight and Government Reform.

8658. A letter from the Acting Assoc. Gen. Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

8659. A letter from the Acting White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

8660. A letter from the Acting White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

8661. A letter from the Acting White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

8662. A letter from the Chairman, National Endowment for the Arts, transmitting the Endowment's FY 2008 inventory of commercial activities performed by Federal employees, pursuant to Public Law 105-270; to the Committee on Oversight and Government Reform.

8663. A letter from the Deputy General Counsel, Office of National Drug Control Policy, Executive Office of the President, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

8664. A letter from the Acting Director, Office of Personnel Management, transmitting the Office's final rule — National Security Personnel System (RIN: 3206-AL62) received September 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8665. A letter from the Acting Chief, Regulatory Affairs, Department of the Interior, transmitting the Department's final rule — Minerals Management: Adjustment of Cost Recovery Fees [WO-310-1310-PP-24 1A] (RIN: 1004-AE01) received September 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8666. A letter from the Chief, Branch of Recovery and Delisting, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Rule Removing the Virginia Northern Flying Squirrel (Glaucomys sabrinus fuscus) From the Federal List of Endangered and Threatened Wildlife [[FWS-R5-ES-2008-0005][92220-1113-0000-C6]] (RIN: 1018-AT37) received September 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8667. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Alabama Regulatory Program [SATS No. AL-074-FOR; Docket No. OSM-2008-0015] received September 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8668. 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 Exclusive Economic Zone Off Alaska; Reallocation of Atka Mackerel in the Bering Sea and Aleutian Islands Management Area [Docket No. 071106673-8011-02] (RIN: 0648-XJ32) received September 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8669. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pelagic Shelf Rockfish for Catcher Processors Participating in the Rockfish Limited Access Fishery in the Central Regulatory Area of the Gulf of Alaska [Docket No. 071106671-8010-02] (RIN: 0648-XJ38) received September 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8670. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Shortraker Rockfish in the Western Regulatory Area of the Gulf of Alaska [Docket No. 071106671-8010-02] (RIN: 0648-XJ64) received September 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8671. 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 Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area [Docket No. 071106673-8011-02] (RIN: 0648-XK14) received September 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8672. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures; Inseason Adjustments [Docket No. 060824226-6322-02] (RIN: 0648-AX02) received September 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8673. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for the Commonwealth of Massachusetts [Docket No. 071030625-7696-02] (RIN: 0648-XJ37) received September 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8674. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Closure [Docket No. 080326475-8686-02] (RIN: 0648-XJ27) received September 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8675. A letter from the Secretary, Department of Health and Human Services, transmitting a letter designating additional members of the special exposure cohort under the Energy Employees Occupational Illness Compensation Program Act of 2000, pursuant to 42 C.F.R. pt. 83; to the Committee on the Judiciary.

8676. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting the Department's feasibility report on the Whitewater River Basin, California; to the Committee on Transportation and Infrastructure.

8677. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting the Department's interim feasibility report for Port Mahon, Delaware; to the Committee on Transportation and Infrastructure.

8678. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Financial Responsibility for Water Pollution (Vessels) and OPA 90 Limits of Liability (Vessels and Deepwater Ports) [Docket No. USCG-2005-21780] (RIN: 1625-AA98) received September 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8679. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Training and Service Requirements for Merchant Marine Officers [Docket no. USCG-2006-26202] (RIN: 1625-AB10) received September 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8680. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Mexico — Johns Pass, FL [Docket No. USCG-2008-0290] (RIN: 1625-AA00) received September 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8681. A letter from the Chief, Regulations and Administrative Law, Department of

Homeland Security, transmitting the Department's final rule — Safety Zone; Patchogue Bay, Patchogue, NY [Docket No. USCG-2008-0264] (RIN: 1625-AA00) received September 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8682. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Potomac River, Boundary Channel and Pentagon Lagoon, Washington, DC [Docket No. USCG-2008-0902] (RIN: 1625-AA87) received September 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8683. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone: Rocket Launch, NASA Wallops Flight Facility (WFF), Wallops Island, VA [Docket No. USCG-2008-0823] (RIN: 1625-AA87) received September 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8684. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No. 30604; Amdt. No 3266] received September 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8685. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; De Havilland Support Limited Model Beagle B.121 Series 1, 2, and 3 Airplanes [Docket No. FAA-2007-0248 Directorate Identifier 2007-CE-084-AD; Amendment 39-15500; AD 2008-09-19] (RIN: 2120-AA64) received September 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8686. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-10-10, DC-10-10F, DC-10-15, and MD-10-10F Airplanes [Docket No. FAA-2008-0015; Directorate Identifier 2007-NM-328-AD; Amendment 39-15498; AD 2008-09-17] (RIN: 2120-AA64) received September 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8687. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus A318, A319, A320, and A321 Series Airplanes [Docket No. FAA-2007-0081; Directorate Identifier 2007-NM-186-AD; Amendment 39-15497; AD 2008-09-16] (RIN: 2120-AA64) received September 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8688. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company 172, 175, 180, 182, 185, 206, 207, 208, 210, and 303 Series Airplanes [Docket No. FAA-2008-0471; Directorate Identifier 2008-CE-025-AD; Amendment 39-15508; AD 2008-10-02] (RIN: 2120-AA64) received September 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8689. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777-200, -200LR, -300, and -300ER Series Airplanes Approved for Extended-range Twin-engine Operational Performance Standards (ETOPS) [Docket No. FAA-2008-0673; Directorate Identifier 2008-NM-117-AD; Amendment 39-15606; AD 2008-14-11] (RIN: 2120-AA64) received September 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8690. A letter from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting the Department's final rule — Advance Construction of Federal-Aid Projects [FHWA Docket No. FHWA-2007-0020] (RIN: 2125-AF23) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8691. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gulfstream Aerospace LP Model Astra SPX, 1125 Westwind Astra, and Gulfstream 100 Airplanes [Docket No. FAA-2008-0299; Directorate Identifier 2007-NM-254-AD; Amendment 39-15593; AD 2008-13-30] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8692. A letter from the Director, Regulation Policy & Management, Department of Veterans Affairs, transmitting the Department's final rule — Schedule of Rating Disabilities; Evaluation of Residuals of Traumatic Brain Injury (TBI) (RIN: 2900-AM75) received September 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8693. A letter from the Director, Regulation Policy & Management, Department of Veterans Affairs, transmitting the Department's final rule — Presumption of Service Connection for Amyotrophic Lateral Sclerosis (RIN: 2900-AN05) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8694. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Inpatient Hospital Deductible and Hospital and Extended Care Services Coinsurance Amounts for Calendar Year 2009 [CMS-8034-N] (RIN: 0938-AP03) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8695. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Part A Premium for Calendar Year 2009 for the Uninsured Aged and for Certain Disabled Individuals Who Have Exhausted Other Entitlement [CMS-8035-N] (RIN: 0938-AP04) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8696. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Change in Method of Accounting [Announcement 2008-84] received September 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8697. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Tax-Exempt Bond Partnerships: Eligibility for Monthly Closing Elections [Notice 2008-80] received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8698. A letter from the Chief, Publications and Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Tax-exempt Money Market funds — Temporary Treasury Program to Support Money Market Funds — No Violation of Restrictions Against Federal Guarantees of Tax-exempt bonds Under Section 149(b) [Notice 2008-81] received September 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8699. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.601: Rules and regulations. (Also Part I, 61, 1001) (Rev. Proc. 2008-58) received September 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8700. A letter from the Associate Administrator, Environmental Protection Agency, transmitting a draft bill to amend the Pesticide Registration Improvement Renewal Act, the Federal Insecticide, Fungicide, and Rodenticide Act, and the Federal Food, Drug, and Cosmetic Act in relation to fees, and for other purposes; jointly to the Committees on Agriculture and Energy and Commerce.

8701. A letter from the Assistant Secretary of the Army, Department of Defense, transmitting a report entitled, ''Report On Alternative Measures To Address Cracks In the Monument At The Tomb Of The Unknowns At Arlington National Cemetary, Virginia,'' pursuant to Public Law 110-181, section 2873; jointly to the Committees on Veterans' Affairs and Armed Services.

8702. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Medicare Part B Monthly Actuarial Rates, Premium Rate, and Annual Deductible Beginning January 1, 2009 [CMS-8036-N] (RIN: 0938-APOO) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. WELCH of Vermont: Committee on Rules. House Resolution 1500. Resolution providing for consideration of motions to suspend the rules (Rept. 110–883). Referred to the House Calendar.

Mr. ARCURI: Committee on Rules. House Resolution 1501. Resolution providing for consideration of the bill (H.R. 7060) to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes (Rept. 110–884). Referred to the House Calendar.

Mr. DELAHUNT: Report of the Select Committee to Investigate the Voting Irregularities of August 2, 2007 (Rept. 110–885). Referred to the House Calendar.

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 6339. A bill to amend title 5, United States Code, to provide additional leave for Federal employees to serve as poll workers, and to direct the Election Assistance Commission to make grants to States for poll worker recruitment and training; with an amendment (Rept. 110–886, Pt. 1). Ordered to be printed.

Mr. ARCURI: Committee on Rules. House Resolution 1502. Resolution providing for consideration of the bill (H.R. 7060) to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes (Rept. 110–887). Referred to the House Calendar.

Ms. CASTOR: Committee on Rules. House Resolution 1503. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions

reported from the Committee on Rules (Rept. 110–888). Referred to the House Calendar.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 1157. A bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer; with an amendment (Rept. 110–889). Referred to the Committee of the Whole House on the State of the Union.

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 6474. A bill to authorize the Chief Administrative Officer of the House of Representatives to carry out a series of demonstration projects to promote the use of innovative technologies in reducing energy consumption and promoting energy efficiency and cost savings in the House of Representatives (Rept. 110–890). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. RANGEL:

H.R. 7060. A bill to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes; to the Committee on Ways and Means.

By Mr. BERMAN (for himself, Mr. ACKERMAN, and Mr. FALEOMAVAEGA):

H.R. 7061. A bill to approve the United States-India Agreement for Cooperation on Peaceful Uses of Nuclear Energy, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FEENEY (for himself, Mr. PEARCE, and Mr. WELDON of Florida):

H.R. 7062. A bill to authorize the Administrator of the National Aeronautics and Space Administration to develop a plan to guarantee access to the International Space Station, and for other purposes; to the Committee on Science and Technology, and in addition to the Committee on Foreign Affairs, 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. LORETTA SANCHEZ of California:

H.R. 7063. A bill to raise achievement in international education in elementary schools and secondary schools through grants to improve teacher competency and to support programs in international education that supplement core curricula in such schools, and for other purposes; to the Committee on Education and Labor.

By Mr. KAGEN:

H.R. 7064. A bill to amend the Internal Revenue Code of 1986 to increase the credit amount for new qualified alternative fuel motor vehicles weighing more than 26,000 pounds and to increase the credit for certain alternative fuel vehicle refueling properties, and for other purposes; to the Committee on Ways and Means.

By Mr. PASCRELL (for himself, Mr. MORAN of Kansas, Mr. MCGOVERN, and Mrs. CAPPS):

H.R. 7065. A bill to amend the Public Health Service Act to address health workforce shortages; to the Committee on Energy and Commerce.

By Mr. RANGEL:

H.R. 7066. A bill to amend the Internal Revenue Code of 1986 to expand the work opportunity tax credit to include disconnected youth; to the Committee on Ways and Means.

By Mr. ALTMIRE:

H.R. 7067. A bill to amend title XVIII of the Social Security Act to expand the development of quality measures for inpatient hospital services, to implement a performance-based payment methodology for the provision of such services under the Medicare Program, and for other purposes; to the Committee on Ways and Means.

By Ms. ROS-LEHTINEN (for herself, Mr. BURTON of Indiana, Mr. MACK, and Mr. CHABOT):

H.R. 7068. A bill to enhance the security of the Western Hemisphere and bolster regional capacity and cooperation to counter current and emerging threats, to promote cooperation in the Western Hemisphere to prevent the proliferation of nuclear, chemical, and biological weapons, to secure universal adherence to agreements regarding nuclear nonproliferation, and for other purposes; to the Committee on Foreign Affairs.

By Mrs. MALONEY of New York (for herself, Mr. GONZALEZ, Mr. CLAY, Mr. HONDA, and Mr. WAXMAN):

H.R. 7069. A bill to make the Census Bureau an independent establishment; to the Committee on Oversight and Government Reform.

By Ms. ROS-LEHTINEN (for herself, Mr. BURTON of Indiana, Mr. ROYCE, and Mr. PENCE):

H.R. 7070. A bill to amend the United States International Broadcasting Act of 1994 to reorganize United States international broadcasting, and for other purposes; to the Committee on Foreign Affairs.

By Mr. SULLIVAN (for himself, Mr. GINGREY, Mr. KINGSTON, Mr. BROUN of Georgia, Mr. FRANKS of Arizona, Mr. GOHMERT, Mr. WALBERG, Ms. FALLIN, Mr. BARTLETT of Maryland, Mr. AKIN, and Mr. SHUSTER):

H.R. 7071. A bill to establish a commission to recommend the elimination or realignment of Federal agencies that are duplicative or perform functions that would be more efficient on a non-Federal level, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCKEON (for himself, Mr. KELLER, Mr. HOEKSTRA, Mr. PLATTS, Mr. WILSON of South Carolina, Mr. KLINE of Minnesota, Mr. MARCHANT, Mr. FORTUÑO, Mr. BOUSTANY, Mr. BISHOP of Utah, Mr. DAVID DAVIS of Tennessee, and Mrs. BIGGERT):

H.R. 7072. A bill to make technical corrections in the Ensuring Continued Access to Student Loans Act of 2008; to the Committee on Education and Labor.

By Mr. DICKS:

H.R. 7073. A bill to transfer certain land to the United States to be held in trust for the Hoh Indian Tribe, to place land into trust for the Hoh Indian Tribe, and for other purposes; to the Committee on Natural Resources.

By Mr. GONZALEZ:

H.R. 7074. A bill to amend the Internal Revenue Code of 1986 to simplify the deduction for use of a portion of a residence as a home office by providing an optional standard home office deduction; to the Committee on Ways and Means.

By Mr. POE:

H.R. 7075. A bill to provide Federal assistance to assist an eligible State to purchase and install transfer switches and generators at designated emergency service stations in hurricane zones within such State; to the Committee on Transportation and Infrastructure.

By Mr. SPACE (for himself and Mr. TURNER):

H.R. 7076. A bill to resolve the alcohol beverage franchise dispute resolution process; to the Committee on the Judiciary.

By Mr. DINGELL:

H.R. 7077. A bill to amend title XIX of the Social Security System to provide additional funds for the qualifying individual (QI) program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY:

H.R. 7078. A bill to increase awareness of and research on autoimmune diseases, which are a major women's health problem, affect as many as 23.5 million Americans, and encompass more than 100 interrelated diseases, such as lupus, multiple sclerosis, rheumatoid arthritis, Sjogren's syndrome, polymyositis, pemphigus, myasthenia gravis, Wegener's granulomatosis, psoriasis, celiac disease, autoimmune platelet disorders, scleroderma, alopecia areata, vitiligo, autoimmune thyroid disease, and sarcoidosis, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SCOTT of Virginia:

H.R. 7079. A bill to require the Secretary of Health and Human Services to carry out a demonstration grants program to provide for certain patient coordination, outreach, and assistance services to reduce barriers to receiving health care and improve health care outcomes; to the Committee on Energy and Commerce.

By Mr. BOEHNER (for himself, Mr. SMITH of Texas, and Mr. BLUNT):

H.R. 7080. A bill to eliminate certain provisions of law providing benefits to trial lawyers, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BERMAN (for himself, Mr. ACKERMAN, Mr. FALEOMAVAEGA, Mr. WEXLER, Mr. ENGEL, Mr. CROWLEY, and Mr. LAMPSON):

H.R. 7081. A bill to approve the United States-India Agreement for Cooperation on Peaceful Uses of Nuclear Energy, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RAMSTAD (for himself and Mr. LEWIS of Georgia):

H.R. 7082. A bill to amend the Internal Revenue Code of 1986 to permit the Secretary of the Treasury to disclose certain prisoner return information to the Federal Bureau of Prisons; to the Committee on Ways and Means.

By Mr. LEWIS of Georgia (for himself, Mr. RAMSTAD, Mr. THOMPSON of California, Mr. KIND, Mr. POMEROY, and Mr. NEAL of Massachusetts):

H.R. 7083. A bill to amend the Internal Revenue Code of 1986 to enhance charitable giving and improve disclosure and tax administration; to the Committee on Ways and Means.

By Mr. INSLEE (for himself, Mr. CONYERS, Mr. SMITH of Texas, Mr. BERMAN, and Mr. MANZULLO):

H.R. 7084. A bill to amend section 114 of title 17, United States Code, to provide for agreements for the reproduction and performance of sound recordings by webcasters; to the Committee on the Judiciary.

By Mr. BACA:

H.R. 7085. A bill to require that the poverty line determined for the State of Alaska be used for all the States and the District of Columbia, during a 6-month period for the purpose of carrying out the the Food and Nutrition Act of 2008 and the Richard B. Russell National School Lunch Act; to the Committee on Agriculture, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARRETT of South Carolina (for himself, Mr. BROWN of South Carolina, Mr. WILSON of South Carolina, and Mr. INGLIS of South Carolina):

H.R. 7086. A bill to help our Nation meet our growing energy needs and strengthen our energy security through the development of nuclear power in the United States; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Rules, and 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. CLARKE:

H.R. 7087. A bill to amend the Small Business Act to establish a mentorship program designed to help minority and women-owned small businesses build their capacities and access to contracting opportunities in the construction industry; to the Committee on Small Business.

By Mr. CUELLAR:

H.R. 7088. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize funding for emergency management performance grants to provide for domestic preparedness and collective response to catastrophic incidents, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Illinois:

H.R. 7089. A bill to amend title 18, United States Code, to restore the former system of good time allowances toward service of Federal prison terms, and for other purposes; to the Committee on the Judiciary.

By Ms. ESHOO (for herself, Mrs. MALONEY of New York, Ms. LEE, Mr. VAN HOLLEN, Mr. WEXLER, Ms. SCHWARTZ, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FARR, Mr. COHEN, Mr. NADLER, Mr. CARSON, Mrs. CAPPS, Mr. FALEOMAVAEGA, Mr. KENNEDY, Mrs. CHRISTENSEN, Ms. JACKSON-LEE of Texas, Mr. MCNULTY, Mr. KUCINICH, Mr. STARK, Mr. ANDREWS, Ms. WOOLSEY, Mr. HINCHEY, Mr. PAYNE, Mr. SERRANO, Mr. SCHIFF, Mr. MORAN of Virginia, Mr. OLVER, Mr. ACKERMAN, Mr. JACKSON of Illinois, Mr. LANGEVIN, Mr. BERMAN, Mr. ROTHMAN, Mr. TOWNS, Mr. BISHOP of New York, Ms. DELAURO, Mr. MOORE of Kansas, Ms. ZOE LOFGREN of California, Mr. HONDA, Mr. WAXMAN, Ms. SLAUGHTER, Mr. HARE, Mrs. TAUSCHER, Mr. MCGOVERN, Mr. MCDERMOTT, Mr. CLAY, Mr. HASTINGS of Florida, Mr. CAPUANO, Ms. BERKLEY, Ms. SCHAKOWSKY, Ms. SUTTON, Mr. CARNAHAN, Mr. HOLT, Mr. LEWIS of Georgia, Mr. MILLER of North Carolina, Mr. CONYERS, Mrs. LOWEY, Ms. HIRONO, Mr. EMANUEL, Mr. SESTAK, Mrs. MCCARTHY of New York, Ms. CORRINE BROWN of Florida, Ms. NORTON, Mr. ENGEL, Mr. GUTIERREZ, Mr. WEINER, Mr. MARKEY, Mr. GEORGE MILLER of California, Ms. MCCOLLUM of Minnesota, Mr. FRANK of Massachusetts, Mrs. NAPOLITANO, and Mr. SHAYS):

H.R. 7090. A bill to amend the Forest and Rangeland Renewable Resources Planning Act of 1974 and related laws to strengthen the protection of native biodiversity and ban clearcutting on Federal land, to designate certain Federal land as Ancient forests, roadless areas, watershed protection areas, and special areas where logging and other intrusive activities are prohibited, to transfer administrative jurisdiction of Giant Sequoia National Monument to the National Park Service, to consider areas for inclusion in the National Park System, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FORTENBERRY (for himself and Mrs. MCMORRIS RODGERS):

H.R. 7091. A bill to encourage and assist women throughout pregnancy by providing services that will alleviate the financial, social, emotional, and other difficulties that may otherwise lead to an abortion; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. FOXX:

H.R. 7092. A bill to amend title 31, United States Code, to end speculation on the current cost of multilingual services provided by the Government, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. FRANK of Massachusetts (for himself and Mr. CHABOT):

H.R. 7093. A bill to require the accreditation of English language training programs, and for other purposes; to the Committee on the Judiciary.

By Mr. HENSARLING (for himself, Mr. GARRETT of New Jersey, Mr. FLAKE, Mr. PENCE, Mr. SALI, Mr. BROUN of Georgia, Mr. TANCREDO, Mr. GINGREY, Mr. SULLIVAN, Mr. LAMBORN, Mr. WALBERG, Mr. JORDAN, Mr. GOHMERT, and Mr. BURTON of Indiana):

H.R. 7094. A bill to establish a term certain for the conservatorships of Fannie Mae and Freddie Mac, to provide conditions for continued operation of such enterprises, and to provide for the wind down of such operations and the dissolution of such enterprises; to the Committee on Financial Services.

By Ms. HERSETH SANDLIN (for herself and Mr. HINCHEY):

H.R. 7095. A bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, a credit for individuals who care for those with long-term care needs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HIGGINS:

H.R. 7096. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for income attributable to business activities conducted in high job-loss areas; to the Committee on Ways and Means.

By Mr. HIGGINS (for himself, Mr. EMANUEL, and Mr. NUNES):

H.R. 7097. A bill to promote biogas production, and for other purposes; to the Committee on Ways and Means.

By Mr. LEVIN (for himself, Mr. GEORGE MILLER of California, and Mr. RAMSTAD):

H.R. 7098. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income discharges of student loans the repayment of which is income contingent or income based; to the Committee on Ways and Means.

By Mr. DANIEL E. LUNGREN of California (for himself and Mr. POE):

H.R. 7099. A bill to amend titles 46 and 18, United States Code, with respect to the operation of submersible vessels and semi-submersible vessels without nationality; to the Committee on the Judiciary, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCOTTER:

H.R. 7100. A bill to allow a refundable credit against Federal income tax for expired digital-to-analog converter box coupons; to the Committee on Ways and Means.

By Mr. MICHAUD:

H.R. 7101. A bill to establish a task force to lower energy costs for the forest product industry and similar manufacturing operations, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ORTIZ (for himself and Mr. BRADY of Texas):

H.R. 7102. A bill to assure the safety of expeditionary facilities, infrastructure, and equipment supporting United States military operations overseas; to the Committee on Armed Services.

By Mr. POMEROY (for himself and Mr. BRADY of Texas):

H.R. 7103. A bill to amend the Internal Revenue Code of 1986 to clarify the employment tax treatment and reporting of wages paid by professional employer organizations; to the Committee on Ways and Means.

By Mr. PORTER:

H.R. 7104. A bill to establish a legislative commission to examine the causes of the financial crisis of 2008; to the Committee on Financial Services.

By Mr. SAXTON (for himself and Mr. SMITH of New Jersey):

H.R. 7105. A bill to amend title XVIII of the Social Security Act to preserve access to urban Medicare-dependent hospitals; to the Committee on Ways and Means.

By Mr. SMITH of New Jersey:

H.R. 7106. A bill to prohibit the closure of Fort Monmouth, New Jersey, notwithstanding the recommendations of the Defense Base Closure and Realignment Commission; to the Committee on Armed Services.

By Mr. SMITH of New Jersey:

H.R. 7107. A bill to require, as a condition of participation in the programs under title IV of the Higher Education Act of 1965, public institutions of higher education to charge dependent children of members of the Armed Forces a rate of tuition equal to the rate of tuition charged to in-State residents; to the Committee on Education and Labor.

By Mr. STUPAK:

H.R. 7108. A bill to name the front circle drive in front of the Oscar G. Johnson Department of Veterans Affairs Medical Facility in Iron Mountain, Michigan, as ''Sergeant First Class James D. Priestap Drive''; to the Committee on Veterans' Affairs.

By Mr. YOUNG of Alaska:

H.R. 7109. A bill to prohibit the Secretary of the Interior from authorizing commercial finfish aquaculture operations in the Exclusive Economic Zone; to the Committee on Natural Resources.

By Mr. CONAWAY (for himself, Mr. RODRIGUEZ, Mr. BARTLETT of Maryland, Mr. BILBRAY, Mr. BOUSTANY, Mr. BROWN of South Carolina, Mr. BURTON of Indiana, Mr. CARTER, Mr. CULBERSON, Mr. DOGGETT, Mr. FEENEY, Mr. GOHMERT, Ms. GRANGER, Mr. GENE GREEN of Texas, Mr. HENSARLING, Ms. JACKSON-LEE of Texas, Mr. SAM JOHNSON of Texas, Mr. KUHL of New York, Mr. LUCAS, Mr. MCCARTHY of California, Mr. GARY G. MILLER of California, Mr. NUNES, Mr. PAUL, Mr. POMEROY, Mr. SESSIONS, Mr. SHUSTER, Mr. TERRY, Mr. TIAHRT, Mr. WILSON of South Carolina, Mr. BARTON of Texas, Mrs. BLACKBURN, Mr. BRADY of Texas, Mr. BURGESS, Mr. CALVERT, Mr. CUELLAR, Mr. DAVIS of Kentucky, Mr. EDWARDS of Texas, Mr. GONZALEZ, Mr. AL GREEN of Texas, Mr. HALL of Texas, Mr. HINOJOSA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KELLER, Mr. LAMPSON, Mr. MARCHANT, Mr. MCCAUL of Texas, Mr. NEUGEBAUER, Mr. ORTIZ, Mr. POE, Mr. REYES, Mr. ROSKAM, Mr. SHIMKUS, Mr. SMITH of Texas, Mr. THORNBERRY, Mr. WALBERG, and Mr. YOUNG of Alaska):

H. Con. Res. 429. Concurrent resolution recognizing the importance of the United States wine industry to the American economy; to the Committee on Oversight and Government Reform.

By Mr. HASTINGS of Florida:

H. Con. Res. 430. Concurrent resolution expressing the sense of Congress that the policy (popularly known as the ''Stimson Doctrine'') of the United States of not recognizing territorial changes effected by force, should continue to be the guiding foreign policy of the United States in diplomatic discourse; to the Committee on Foreign Affairs.

By Ms. HERSETH SANDLIN (for herself, Mr. BOUSTANY, Mr. ISRAEL, Mr. BURGESS, Mrs. DRAKE, Mr. HINCHEY, Mrs. CAPITO, Mrs. BLACKBURN, Mr. HALL of Texas, Mr. ENGLISH of Pennsylvania, and Ms. GINNY BROWN-WAITE of Florida):

H. Con. Res. 431. Concurrent resolution supporting the goals and ideals of a Long-Term Care Awareness Week; to the Committee on Energy and Commerce.

By Mr. LAMBORN (for himself, Mr. SHADEGG, Mr. FRANKS of Arizona, Mr. KING of Iowa, and Mr. BROUN of Georgia):

H. Con. Res. 432. Concurrent resolution urging the expedient relocation of the United States Embassy in Israel to Jerusalem; to the Committee on Foreign Affairs.

By Mr. ROSS:

H. Con. Res. 433. Concurrent resolution expressing support for the designation of October as ''National Audiology Awareness Month''; to the Committee on Energy and Commerce.

By Mr. THOMPSON of California (for himself, Mr. BACA, Mr. BERRY, Mr. BOSWELL, Mr. BRALEY of Iowa, Mr. CARSON, Mr. CAZAYOUX, Mr. CHILDERS, Ms. CLARKE, Mr. CLAY, Mr. CLEAVER, Mr. COOPER, Mr. COURTNEY, Mr. CRAMER, Ms. DEGETTE, Mr. DELAHUNT, Ms. EDWARDS of Maryland, Mr. ELLISON, Mr. EMANUEL, Ms. ESHOO, Mr. ETHERIDGE, Mr. GILCHREST, Mr. GONZALEZ, Mr. GENE GREEN of Texas, Mr. HALL of New York, Ms. HARMAN, Mr. HILL, Mr. HINCHEY, Ms. HOOLEY, Mr. ISSA, Ms. JACKSON-LEE of Texas, Ms. KILPATRICK, Mr. LEWIS of Georgia, Ms. MATSUI, Mr. MCDERMOTT, Mr. MCNERNEY, Mr. PERLMUTTER, Mr. RODRIGUEZ, Mr. ROSS, Mr. ROTHMAN, Mr. RUPPERSBERGER, Mr. SALAZAR, Mr. SAXTON, Ms. SCHAKOWSKY, Mrs. SCHMIDT, Mr. SIRES, Mr. WALDEN of Oregon, Ms. WASSERMAN SCHULTZ, Mr. WAXMAN, Mr. WELCH of Vermont, and Ms. WOOLSEY):

H. Res. 1499. A resolution designating the third week of October as ''National Estate Planning Awareness Week''; to the Committee on Oversight and Government Reform.

By Ms. CLARKE:

H. Res. 1504. A resolution urging the President to increase efforts under the Third Border Initiative (TBI) to deepen cooperation and collaboration with Caribbean nations; to the Committee on Foreign Affairs.

By Ms. CLARKE:

H. Res. 1505. A resolution recognizing the United States-Bahamas Proliferation Security Initiative Shipboarding Agreement; to the Committee on Foreign Affairs.

By Mr. ISSA:

H. Res. 1506. A resolution recognizing the importance of the Border Patrol in combating human smuggling and commending the Department of Justice for increasing the rate of human smuggler prosecutions; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 111: Ms. RICHARDSON.
H.R. 211: Mr. WELCH of Vermont.
H.R. 241: Mr. JOHNSON of Illinois.
H.R. 279: Ms. GINNY BROWN-WAITE of Florida.
H.R. 464: Ms. EDWARDS of Maryland.
H.R. 661: Mr. RUPPERSBERGER and Mr. REYES.
H.R. 819: Ms.EDWARDS of Maryland.
H.R. 882: Ms. CLARKE.
H.R. 1029: Mr. FORTENBERRY.
H.R. 1078: Ms. CLARKE.
H.R. 1111: Ms. EDWARDS of Maryland.
H.R. 1245: Mr. ABERCROMBIE.
H.R. 1398: Mr. PITTS.
H.R. 1419: Mr. DENT.
H.R. 1552: Mr. BECERRA and Mr. SESTAK.
H.R. 1576: Ms. SHEA-PORTER, Mrs. CAPPS, and Ms. HIRONO.
H.R. 1655: Mr. GALLEGLY.
H.R. 1665: Mr. MEEK of Florida.
H.R. 1671: Mr. UDALL of Colorado and Mr. PALLONE.
H.R. 1691: Ms. BALDWIN.
H.R. 1820: Mr. GEORGE MILLER of California, Mr. FATTAH, Ms. RICHARDSON, Mr. DICKS, and Ms. SUTTON.
H.R. 1884: Mr. MOLLOHAN and Mr. GRAVES.
H.R. 1926: Mrs. MALONEY of New York, Mr. KUHL of New York, Mr. ALTMIRE, and Mr. BOSWELL.
H.R. 2092: Mr. WEINER.
H.R. 2169: Ms. EDWARDS of Maryland.
H.R. 2216: Mr. FATTAH.
H.R. 3423: Ms. LEE.
H.R. 3634: Mr. MCGOVERN.
H.R. 3652: Mr. PASTOR.
H.R. 3844: Mr. SHAYS.
H.R. 3929: Mr. JACKSON of Illinois.
H.R. 3968: Mr. ENGLISH of Pennsylvania.
H.R. 3990: Mr. COHEN.
H.R. 4450: Mr. GALLEGLY.
H.R. 4464: Mr. LATTA.
H.R. 4576: Mr. BURGESS.
H.R. 4688: Mr. FATTAH.
H.R. 5635: Mr. BARROW.
H.R. 5637: Mr. MCGOVERN.
H.R. 5656: Mr. SIMPSON, Mr. PLATTS, and Mr. PENCE.
H.R. 5674: Mr. GOODLATTE.
H.R. 5748: Mr. YARMUTH.
H.R. 5793: Mr. FRELINGHUYSEN.
H.R. 5823: Ms. ROS-LEHTINEN, Ms. ROYBAL-ALLARD, and Ms. DELAURO.
H.R. 5873: Mr. MCDERMOTT.
H.R. 5915: Ms. LORETTA SANCHEZ of California.
H.R. 5936: Mr. FRANK of Massachusetts, Mr. RYAN of Ohio, and Mr. MCGOVERN.
H.R. 5971: Mr. BARTLETT of Maryland.
H.R. 6100: Mr. SESTAK.
H.R. 6217: Ms. BALDWIN, Mr. FRELINGHUYSEN, Mr. BOYD of Florida, Ms. SHEA-PORTER, Mr. KLEIN of Florida, Mr. CARDOZA, Mr. MCNERNEY, Mr. FERGUSON, Mr. SHERMAN, Mr. PASCRELL, Mr. HIGGINS, Ms. Richardson, Mr. HILL, Mr. MAHONEY of Florida, Mr. SPRATT, Mr. MEEKS of New York, Mr. MOLLOHAN, Mr. CUELLAR, Mr. BACA, Mr. MARIO DIAZ-BALART of Florida, Mr. VAN HOLLEN, Mr. COHEN, Mr. DOGGETT, Mr. MCNULTY, Mr. CROWLEY, Mrs. TAUSCHER, Mr. KIND, Mr. EDWARDS of Texas, Mr. MOORE of Kansas, Mr. CAZAYOUX, Mr. CRAMER, Mr. TANNER, Mr. ANDREWS, Mr. BOREN, Mr. BARROW, Mr. JACKSON of Illinois, Mr. BERMAN, and Mr. MURPHY of Connecticut.
H.R. 6228: Mr. LIPINSKI, Mrs. MALONEY of New York, Mr. HINCHEY, and Mr. KUCINICH.
H.R. 6278: Mr. BERMAN.
H.R. 6381: Mr. BUTTERFIELD.
H.R. 6438: Mr. HAYES.
H.R. 6461: Mr. HOLT.
H.R. 6462: Mr. LARSEN of Washington.
H.R. 6478: Mr. PITTS.
H.R. 6482: Mr. FRANK of Massachusetts.
H.R. 6517: Mrs. LOWEY.
H.R. 6527: Mr. FEENEY.
H.R. 6561: Mr. GRIJALVA.
H.R. 6570: Mr. CARNAHAN.
H.R. 6598: Mr. WILSON of South Carolina, Mr. FRANK of Massachusetts, Mr. FORTUÑO, Mr. INGLIS of South Carolina, Mr. CLAY, Mr. MCCOTTER, Mr. MURTHA, Mr. FARR, Mr. ARCURI, Mr. HOLT, Mr. WITTMAN of Virginia, and Ms. NORTON.
H.R. 6617: Mr. BERMAN and Mr. MCDERMOTT.
H.R. 6636: Mr. FRANK of Massachusetts.
H.R. 6643: Mr. KIRK and Mr. SNYDER.
H.R. 6680: Ms. WATERS, Mr. ABERCROMBIE, and Mr. RUSH.
H.R. 6747: Mr. BURGESS.
H.R. 6835: Mrs. LOWEY.
H.R. 6873: Mr. COURTNEY, Mr. FILNER, Ms. SCHWARTZ, Mr. ISRAEL, Mr. PAUL, Mr. LATHAM, Ms. WOOLSEY, and Mr. BERMAN.
H.R. 6885: Mrs. WILSON of New Mexico.
H.R. 6930: Mr. DOYLE and Mr. YARMUTH.
H.R. 6955: Mr. PENCE, Mr. WESTMORELAND, Mr. KINGSTON, Mr. BARTLETT of Maryland, Mr. BROUN of Georgia, Mr. PRICE of Georgia, Mr. FRANKS of Arizona, Mr. CONAWAY, Mr. GOHMERT, and Mr. SHADEGG.
H.R. 6960: Mr. MAHONEY of Florida, Mr. WEXLER, Ms. WASSERMAN SCHULTZ, Mrs. BOYDA of Kansas, Ms. EDWARDS of Maryland, Ms. CASTOR, Mr. HODES, Mr. LARSON of Connecticut, Ms. SUTTON, and Mr. MCNULTY.

H.R. 6962: Mr. SNYDER, Mr. MCDERMOTT, and Ms. LEE.
H.R. 6966: Mr. WELCH of Vermont.
H.R. 6975: Mr. WAMP and Mrs. MYRICK.
H.R. 6992: Mr. SALI.
H.R. 7013: Mr. HINCHEY.
H.R. 7021: Mr. COHEN.
H.R. 7035: Ms. SCHWARTZ and Mr. WELLER.
H.R. 7036: Mr. FALEOMAVAEGA.
H.R. 7040: Mr. FILNER.
H.R. 7049: Mr. NADLER.
H.R. 7051: Mr. LYNCH and Mr. MICHAUD.
H.R. 7058: Ms. ROYBAL-ALLARD.
H.J. Res. 81: Mr. MCCOTTER.
H. Con. Res. 81: Mr. SESTAK.
H. Con. Res. 342: Mr. JOHNSON of Illinois.
H. Con. Res. 362: Mr. MICA, Mr. ADERHOLT, and Mrs. BONO MACK.
H. Con. Res. 397: Mr. BRADY of Pennsylvania, Mrs. MYRICK, Ms. JACKSON-LEE of Texas, Ms. MOORE of Wisconsin, Mr. HINCHEY, Mrs. DRAKE, Ms. BORDALLO, Mrs. MCCARTHY of New York, Ms. ROYBAL-ALLARD, Mr. VAN HOLLEN, and Ms. MCCOLLUM of Minnesota.
H. Con. Res. 405: Mr. ETHERIDGE, Mr. COBLE, Mr. Shays, Ms. DELAURO, and Mr. MCKEON.
H. Con. Res. 417: Mr. WOLF.
H. Con. Res. 426: Mr. MICHAUD, Mr. BERMAN, Mr. NADLER, Ms. WOOLSEY, Mr. Fortuño, Ms. Edwards of Maryland, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. WATT.
H. Con. Res. 427: Mr. SERRANO and Mr. MCGOVERN.
H. Res. 672: Mr. SARBANES.
H. Res. 758: Mr. MAHONEY of Florida, Mr. MARCHANT, Mr. MICHAUD, Mr. MORAN of Kansas, and Mr. PORTER.
H. Res. 887: Mr. TAYLOR.
H. Res. 1328: Mr. RAMSTAD, Mr. KUHL of New York, Mr. HONDA, Mr. PASCRELL, Mr. WU, and Mr. JEFFERSON.
H. Res. 1375: Ms. BEAN.
H. Res. 1392: Mr. SESTAK and Mr. BARRETT of South Carolina.
H. Res. 1397: Mr. HOLT, Ms. MATSUI, and Ms. ROYBAL-ALLARD.
H. Res. 1406: Mrs. NAPOLITANO.
H. Res. 1421: Mr. SHUSTER and Mrs. MILLER of Michigan.
H. Res. 1462: Mr. CHABOT.
H. Res. 1467: Mr. MCGOVERN.
H. Res. 1472: Mr. PENCE, Mr. MCCOTTER, Mr. MCNULTY, and Mr. ROTHMAN.
H. Res. 1475: Mr. FORTENBERRY.

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. RANGEL

H.R. 7060, the Renewable Energy and Job Creation Tax 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) or rule XXI.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, SECOND SESSION

Vol. 154 WASHINGTON, THURSDAY, SEPTEMBER 25, 2008 No. 153

Senate

(Legislative day of Wednesday, September 17, 2008)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

PRAYER

The PRESIDING OFFICER. Today's prayer will be offered by CDR Maurice Kaprow, Command Chaplain, Center for Information Dominance, Pensacola, FL.

The guest Chaplain offered the following prayer:

Eternal and loving God, this morning, in this august Chamber of the Senate, we ask humbly for Your guidance and grace. As these men and women, duly empowered by their constituents, meet to deliberate the important issues facing our Nation and our world, we turn to You to help them complete their work. Grant them wisdom to fully understand the issues before them; grant them insight to truly know the implications of their actions; grant them confidence to feel that what they are doing is right; and grant them the courage to make those difficult decisions. Be with them today and every day as they fully ponder the affairs of state.

While we are here in the comfort and safety of this magnificent and historic Capitol Building, our thoughts turn to those brave Americans—young men and women from every part of our country—who volunteer to serve in our Armed Forces. They are soldiers, marines, sailors, airmen, and coastguardsmen. Many of these brave souls are deployed far from home, in harm's way, as they do their part in maintaining freedom and our American way of life. Keep them safe and secure until they return to these shores ensconced into the waiting arms of their families and loved ones.

In Your Holy Name, I pray. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 25, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following the remarks of the leaders, if there be any, the Senate will be in a period of morning business, with Senators permitted to speak for up to 10 minutes each. We will be in morning business until we receive the consolidated appropriations bill from the House. When we receive the message from the House of Representatives, we will turn to its consideration.

Meanwhile, we will continue to work with the minority on an agreement to consider the national defense authorization legislation. If we are able to reach an agreement on DOD authorization, we could turn to its consideration immediately.

For the information of all Members, we will have shortly, as I have indicated, the continuing resolution. It passed the House overwhelmingly yesterday, some 370 or 380 votes. We will receive that legislation and we will file cloture on it today for a Saturday cloture vote. Of course, with consent, we can do about anything around here. We can move the vote up and do it today or tomorrow. It is up to the membership. So that is one possibility.

We have the financial crisis situation. Significant progress has been made. At 10 o'clock, there is a meeting that will take place with the staffs of Democrats and Republicans. They have already started writing a proposed piece of legislation. As I have indicated, significant progress has been made. Hopefully, we can work something out on that legislation in the near future.

There are a number of other issues we are trying to move forward. There is some excellent legislation we have received from the House dealing with Amtrak and train safety. We hope we can work out a way to do that legislation.

Anyway, we will keep Senators closely advised. At this stage, it seems very clear, unless something happens, we will have to be in session on Saturday for a Saturday cloture vote.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. INHOFE. I ask unanimous consent to be recognized for up to 10 minutes as in morning business.

The Acting PRESIDENT pro tempore. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

Mr. INHOFE. Mr. President, I rise today to pay tribute to three of Oklahoma's finest heroes.

SGT Daniel Eshbaugh, of Norman, OK.

CWO Brady Rudolf, of Oklahoma City, OK.

And CPL Michael Thompson, of Harrah, OK.

They were among the soldiers who were killed on September 17, 2008 in Tallil, Iraq, when their CH–47 Chinook helicopter crashed while en route from Kuwait to Balad Air Base north of Baghdad.

SGT Eshbaugh, CWO Rudolf and CPL Thompson were members of Detachment 1, Company B, 2nd Battalion, 149th Aviation, from Lexington, OK.

The unit, which is made up of approximately 200 Texas and Oklahoma Guard members, was mobilized in June and left for duty in Iraq in late August.

All three were on their second tour in Iraq.

SGT DANIEL ESHBAUGH

SGT Dan Eshbaugh served as a flight engineer in the 149th.

He enlisted in the Air Force in 1982 and served for 10 years.

Dan joined the Oklahoma Army National Guard in 1998 and served until 2000.

In 2002, he reenlisted in the Oklahoma Army National Guard and was mobilized in 2008.

Dan's first deployment was in 2003 in support of Operation Iraqi Freedom, spending 4 months in theater.

Dan leaves behind his wife Rachel and their two sons, Bryan and Jordan.

He is also survived by his two daughters, Jessica and Ashley, and his mother, Bernadine.

Yesterday I talked with Dan's wife Rachel and she talked about Dan's love for the Army, that it was his ''whole life''.

In addition to his deep love and commitment to our country, he also loved to hunt and loved sports.

I read through some of the comments written on Dan's on-line guest books.

Many people wrote about Dan's sense of humor, his ability to tell good stories, and his love for his family.

It was obvious that Dan enjoyed spending time with his entire family together, at reunions, over meals, and watching sports.

I want to share excerpts from a few.

Danny . . . My Big Brother . . . Thank you for trying to make peace in this insane world, so that our children can have a safe place to someday raise their children. Ian and Arden will always remember their Uncle Danny. I find comfort in knowing that your spirit is together with Grandpa and Dad. I know they have embraced you. The strength of three generations of Eshbaugh's looking over us will be the strength that we all hold in our hearts. I will love you forever . . . your little sister Kimberlee.''

There are so many memories I have to cherish of my cousin ''Danny''. He was so much fun to see when our families would get together on visits to Grandma and Grampa's house when we were young. . . . I will cherish these and all the memories that I have. I am so proud to be your cousin.

We are proud of Dan's dedication and loyalty to protecting this country. God grant us the wisdom to be worthy of his ultimate sacrifice. Dan, may you, my brother Dan and my Dad find your ''mansion'' up there overlooking a fully stocked lake in that happy hunting ground.''

And from Dan's friends and the soldiers he served with the entire family, nieces, nephews, and cousins, they all said that Dan, or ''Danny'' as his family called him, was an inspiration for all to follow and had a positive impact on all who met him.

CHIEF WARRANT OFFICER BRADY RUDOLF

CWO Brady Rudolf served as a CH–47 ''Chinook'' pilot in the 149th and had been in the National Guard for over 20 years.

Brady was also a pharmacist when not on duty.

In 2003, he deployed to Iraq in support of Operation Iraqi Freedom and spent 4 months in theater.

Brady is survived by his wife of 13 years, Jennifer, and their three sons Braden, Ty, and Nate.

Brady is also survived by his mother Nathalia and brother Dustin.

Last night, I spoke to Jennifer, Brady's wife, and we talked about Brady's love of flying, something, as a pilot myself, I can fully understand.

Jennifer also talked about his strong faith and commitment to Jesus.

Dustin Rudolf, Brady's brother, said Brady was a dedicated father, husband and soldier who comes from a long line of servicemen in the Rudolf family.

''He was a great father, a great husband and just an all-around great human being. The sacrifice he gave for our freedom and what we live for here in America is an awesome thing and he knew it and he lived it.''

Dustin also said that his brother was voted class clown by his graduating class.

''He was a jokester but he could be serious too when it mattered,'' Dustin said.

''He was a conscientious pilot who liked to take care of people. He would give the shirt off his back for anyone.''

The following is from Brady's online journal:

One of his co-workers from the pharmacy wrote,

I worked with Brady for several years at the Pharmacy in Newscastle. Of the many things I could say about him, these seem the most important: He spoke with deep adoration and love for his family and his faith in the Lord. He was always proud of the smallest accomplishments and milestones his boys achieved. . . . Thank you for allowing me to share in a small part of his life. Because of Brady's love and faith in the Lord, I was able to find my way back to my faith. Thank you, Brady, for your service to our beloved country.

From a fellow classmate in pharmacy school:

We were in pharmacy school with Brady. He was an excellent man of values and had a great love for his family. Brady was an encouragement to be around.

And finally a friend wrote:

I remember Brady as a blonde-headed, bright eyed, fun-loving All-American boy. His smile would light the room. It is apparent that he grew up to be a man of such good character-an All-American Hero! . . . May Brady's legacy of service to others be carried on by each of us. Your family is in my thoughts and prayers.

CPL MICHAEL THOMPSON

CPL Michael Thompson served as a door gunner in the 149th.

Michael graduated Kingston High School in 2003 and then enlisted in the Army in 2004.

He left active-duty service and joined the Oklahoma Army National Guard in 2007.

Michael previously deployed to Iraq in 2005 and spent 11 months in theater.

Michael is survived by his father Kory Thompson of Harrah, OK, his mother Angela Perry, his stepfather Richard Perry, and sister Jami.

Michael also leaves behind his fiancee, KC Colvin.

When I talked with Michael's mom Angela last night, she spoke about how her son's love for people and how he was loved by everyone.

He never met a stranger he did not like and who did not like him; even the mailman loved Mikey, Mikey was the name he is affectionately known by his many friends and family.

Mikey was full of personality and he loved to hunt and fish.

Family members said that he volunteered to go to Iraq because the Army needed a qualified open-door machine gunner.

''He was qualified for machine guns from his active duty in the military before this,'' said Richard Perry, Michael's stepfather. ''He volunteered to go to help out.''

CPT Travis Ward, an Oklahoma Guard helicopter pilot, said Michael transferred into the Oklahoma Army National Guard at the first of the year after serving in the infantry.

''He made two drill weekends with us and on the second one, he heard the rumor that the deploying units were looking for people to be door gunners.

''As soon as he heard that, Michael came straight to me and asked if he

could volunteer. The very next weekend, he started with that unit. He was a very excited young man and extremely enthusiastic.''

Here are some comments from Michael's online journal:

Job well done soldier! You were a true Patriot and warrior keeping America strong . . . You are in Post everlasting now. You will NEVER be forgotten. To the family I can only say your son/husband/friend will forever be a hero. I salute you . . .

John 15:13 says, ''Greater love hath no man than this—that a man lay down his life for his friends.'' I feel so blessed to have known Michael and even more so that he died protecting our way of life as we know it. You will be missed by all who knew you.

Mikey never met a stranger. His personality and love for life was contagious! You will be greatly missed, and I feel lucky to have met such a loved and loving person.

I am incredibly proud of these three men, who gave themselves fully to their families and their commitment to protecting our country.

They loved being soldiers and made the ultimate sacrifice for our freedom.

Dan, Brady and Mikey were men of strong character, full of personality and sense of humor, and courage in the face of war.

I want to salute each of you. You are our heroes. You are all incredible men, patriots, fathers, husbands, sons, grandsons, uncles, and friends. You are what this country is all about, we will never forget you.

This country will never be able to adequately repay you, or your families, for your service and the sacrifice you have made to this nation.

I am honored to pay tribute to you today and know that our thoughts and prayers are with you and your families.

And to the loved ones, it is my understanding that all three of these heroes knew Jesus and knew the Lord well. I would say to you this: this is a wink of time that we are here. This is not goodbye to Dan, Brady, Mikey; it is: We will see you later.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

DC GUN RIGHTS

Mrs. HUTCHISON. Mr. President, I rise to talk about a very important issue, and that is gun rights, the second amendment gun rights for our country.

As we are dealing with the financial stabilization program which is being negotiated, the continuing resolution, which will come over from the House shortly, we do have time to talk about some of the other issues that are so important for our country.

I think the second amendment rights of people who live in the District of Columbia are very important. There was a Supreme Court case, a landmark ruling, that was made by the Supreme Court of the United States a couple months ago that said: The District of Columbia gun ban was unconstitutional.

Many of us in Congress helped with an amicus brief, a brief to the Court signed by a majority of the Members of the House and the Senate, that asked that the Court overturn this DC gun ban because it was the most restrictive outright gun ban in all of America, and it clearly violated the rights of the people of the District of Columbia.

The Court agreed. Now many of us who were hoping to pursue this right for the people of the District of Columbia, which is under the auspices of Congress, waited to see what the District City Council would do. We hoped they would do the right thing and adhere to the Supreme Court ruling, which affirmed that their ban on the ownership of handguns was unconstitutional.

The District then came out with an almost incomprehensible ordinance that does continue to make it very difficult for someone to exercise their constitutional right to own a gun.

The District allows registration of pistols for use in self-defense within the applicant's home. So it does not allow the ownership of a handgun in a person's business, to have self-defense in their business, but it does allow it in the home.

But then the ordinance goes on to say that it is a policy of the District of Columbia that firearms should be stored unloaded and either disassembled or locked, which is the complete opposite result of the original ruling.

I do not think anyone in America would consider an unlocked, unloaded gun to be potentially used for self-defense if someone is entering their home illegally.

The firearm registration requirements are onerous. As a condition for registration, the District requires applicants to pay separate, unlimited fees for filing their registration, applicants have their mandatory fingerprints processed, and have their handguns run through a ballistic imaging process.

What we are trying to do now is say you would have the ability to own a handgun for your personal use in your home for self-defense for you and your family. We also want to authorize DC residents to buy handguns from licensed dealers in Maryland or Virginia because, of course, there is only one gun dealer in the District of Columbia because there has been such a shortage of guns that a gun owner would sell because you could not have one.

Because there is a current Federal law against interstate handgun sales, only Congress can authorize this. So the only way a person will have the ability to buy from a licensed dealer—and a licensed dealer must pass a record check by the National Instant Criminal Background Check System; all of that would be enforced, but we do need to have the ability for someone to have a reasonable place to go if they are going to buy a gun to protect themselves and their family.

The bottom line is, as soon as we have representation on the floor by both parties, I intend to ask unanimous consent that we proceed to consideration of the bill. Now, the bill is H.R. 6842. It passed the House overwhelmingly last week. We want to take up that bill. In fact, I have a letter to Senator REID signed by 47 Members of the Senate, and I am asking that be submitted for the RECORD.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, September 19, 2008.

Hon. HARRY REID,
Majority Leader, U.S Senate,
Washington, DC.

DEAR LEADER REID: On June 26, 2008. the Supreme Court issued a landmark ruling affirming the Second Amendment right to bear arms as an individual and constitutionally protected right. In District of Columbia v. Heller. the court affirmed that the District of Columbia's ban on ownership of handguns was an unconstitutional restriction on that right. The majority held ''that the District's ban on handgun possession in the home violates the Second Amendment, as does its prohibition against rendering any lawful firearm in the home operable for the purpose of immediate self-defense.''

For more than thirty years. the District of Columbia has subjected residents to the most prohibitive gun control laws of any city in the nation, requiring rifles and shotguns to he registered, stored unloaded, and either locked or disassembled. Despite the Court's ruling in June, the District of Columbia city council has continued to exact onerous and unconstitutional firearm regulations on law-abiding residents.

This week, the House of Representatives passed H.R. 6842, the National Capital Security and Safety Act. This bipartisan bill was overwhelmingly approved with a vote 266–152. We ask you to ensure that D.C. residents do not have to wait any longer to realize their constitutional rights by allowing the full Senate to consider H.R. 6842 before the 110th Congress concludes.

Sincerely,

Kay Bailey Hutchison; Jon Tester; Saxby Chambliss; Judd Gregg; Richard Burr, John Ensign; Johnny Isakson; John E. Sununu; John McCain; Lisa Murkowski; Jim DeMint; ———; Kit Bond; John Cornyn; Mike Enzi; Ted Stevens; Orrin Hatch; Chuck Grassley; Max Baucus; Larry E. Craig; Mel Martinez; Thad Cochran; Roger Wicker; Sam Brownback; Lindsey Graham; Pat Roberts; John Thune; Richard Shelby; Mike Crapo; David Vitter; John Barrasso; Elizabeth Dole; George V. Voinovich; Pete V. Domenici; Jim Inhofe; Wayne Allard; Norm Coleman; E. Benjamin Nelson; Tim Johnson; Bob Corker; Lamar Alexander; Jon Kyl; Gordon H. Smith; Olympia Snowe; Susan M. Collins; Mary Landrieu, Mitch McConnell.

Mrs. HUTCHISON. Forty-seven of our Members have asked the majority leader to allow this bill to be taken up so we can pass it and send it to the President and assure that the people of the District of Columbia have the same second amendment right that is allowed to every other person in our country. So I would ask whether the Chair is able to speak for the majority

or if you prefer I wait for another person to come to the floor. I can do that or I can do it now.

I will withhold. I ask unanimous consent that as soon as the leader is finished, I be recognized again to make my motion.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Republican leader is recognized.

Mr. McCONNELL. Mr. President, I thank the Senator from Texas.

HONORING OUR ARMED FORCES

CAPTAIN ERIC D. TERHUNE

Mr. McCONNELL. Mr. President, I rise to pay tribute to one of our bravest warriors who gave his life to defend us. U.S. Marine Corps CPT Eric D. Terhune of Lexington, KY, was conducting a security patrol in the Farah Province of Afghanistan on June 19, 2008, when he was killed by enemy small-arms fire. He was 34 years old.

For his heroism in service, Captain Terhune received several awards, medals and decorations, including the Strike/Flight Air Medal, the Marine Corps Good Conduct Medal, two National Defense Service Medals and the Armed Forces Service Medal.

Those who knew Captain Terhune would describe him as a man committed to serving his country and proud to wear the uniform. In fact, as his uncle, David Terhune, puts it, since Eric was born in a Naval hospital in Quantico, VA, where his father was on active duty, ''Eric was born a Marine.''

Eric was also committed to his faith. When family members expressed worry about his dangerous job, he told them, ''If I live, it's wonderful. But if I die, it's absent from the body and present with the Lord.''

Eric was raised in Lexington, attended Tates Creek Presbyteria Church and studied at Wheaton Academy in Wheaton, IL. As a kid he was active in everything from Cub Scouting and Boy Scouting to soccer and Little League baseball.

Eric was also a competitive swimmer who loved to hunt and scuba dive. As a marine, he would dive to collect shells and sharks' teeth in the many places the Corps sent him.

Once on a sail boat trip with his family, when it was Eric's turn to do the dishes after dinner, he came up with a creative cleaning method—he threw them in the ocean, put on his scuba gear, and retrieved the dishes from the water.

Upon high school graduation, Eric enlisted in the same branch his father and grandfather had once served in, the Marine Corps. After 4 years as a noncommissioned officer and a reconnaissance sharpshooter, Eric dreamt of becoming a Naval aviator like his dad.

This required a college degree. So with some encouragement from his grandparents, Daniel and Joy Terhune, he used his GI bill benefits to enroll at Morehead State University.

At Morehead, Eric made the honor roll and competed on the varsity rifle team. ''There [was] no doubt . . . when Eric turned in his targets from a rifle match, who pulled the trigger,'' his uncle David says. ''He was an expert sharpshooter.''

Upon graduation, Eric received his commission as a second lieutenant in the Marine Corps. He then spent a year at Naval Air Station Pensacola and earned his coveted wings of gold.

Eric flew the CH–53 Sea Stallion helicopter during his first tour in Iraq. His friends in the Corps nicknamed him ''D-Ring,'' after the D-ring located overhead in the helicopters he flew to be pulled in case of emergency.

His fellow marines spoke highly of Eric. His commanding officer, LTC Richard D. Hall, says,

> ''D-Ring,'' as we all affectionately called him, and [as] was his aviator's call-sign, was a Marine that everyone liked; and I mean everybody. He had a gracious and kind personality that was truly infectious; so much so, that I too became infected by his wonderful persona.

MAJ Darby Wiler was Eric's staff platoon commander at The Basic School, where newly commissioned marine officers are sent for weapons, tactical, and leadership training. Major Wiler says, ''Eric's work ethic was unparalleled amongst his peers.

''Even in the midst of the most unpleasant circumstances that The Basic School had to offer, he was always upbeat, motivated, and ready to go,'' the major adds.

Eric volunteered for a second tour of Iraq, which he completed last November. When his ship, the U.S.S. *Denver*, arrived in Pearl Harbor, he was allowed to give one family member the honor of joining him and his crew for the final leg of the voyage home to San Diego. Eric chose his grandfather.

''That trip halfway across the Pacific Ocean together, eating together in the ward room, watching ships operations from the bridge, showing his grandfather how to shoot an M–16, how to shoot a .50 Caliber machine gun . . . this was the greatest of bonding experiences for both of them,'' says Eric's uncle David.

''Eric has told me many times what a blast it was to share those days with Dad. For Dad, it was an indescribable joy to see his grandson performing as a Marine and standing tall as a Christian officer.''

After his two tours in Iraq, Eric expected to return to training to requalify as a helicopter pilot. But then he learned the Marine Corps was short of forward air controllers—an important position, responsible for directing other aircraft in close air support and requiring substantial experience.

''He had a lot of conversations with his dad—'What do you think about this Afghanistan thing?' '' David recalls. ''His dad laid out the pros and cons, and Eric said, 'Look, if you're in the Marine Corps, you don't duck the fight.'

Eric volunteered and was deployed to Afghanistan in April of this year with the 2nd Battalion, 7th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, based out of Twentynine Palms, CA.

''We have heard numerous reports of him volunteering to take the place of some of his friends who had a wife and children,'' David says.

Eric brought the same work ethic he carried with him throughout his career to Afghanistan. CPT Carlos R. Cuevas who served alongside Eric in Afghanistan, remembers when he first met Eric.

''I believe the first thing he asked me was, 'Hey, Captain Cuevas, can you tell me where the armory is and who I need to talk to get my weapon?' '' the captain remembers. ''As a fellow captain and Marine . . . I can tell you his professionalism and enthusiasm for his job was readily apparent,'' the captain says.

''He loved being a pilot, a Marine, and most of all serving alongside his fellow Marines.''

Eric couldn't write or call his family often from Afghanistan, but they were always happy when he did. On June 16 he sent what would be his final e-mail.

''He wrote and addressed each of his cousins by name, encouraging them, affirming them, giving advice to them,'' says David. ''And [he] expressed his longing to join us at our next family gathering.''

Three days after that e-mail, Mr. President, Eric was killed. And although nothing we say here today can alleviate the pain of his family, I know my colleagues join me in expressing our deepest sympathies to them for their tragic loss.

We are thinking of Eric's father and stepmother Paul and Carleen Terhune; his grandparents Daniel and Joy Terhune; his uncle and aunt David and Dotti Terhune; many beloved family members, including Dr. and Mrs. Oliver Jeromin, Dr. and Mrs. Richard Colquitt, David W. Terhune, Jr., Rebecca Joy Terhune, Bea Hansgen, and many others.

I will leave the final words to Eric's uncle David, who describes his nephew this way. Eric ''was, in the best sense of the word, an officer and a gentleman and a patriot,'' David says. ''I always admired his strength and his power, but he was also gentle at the same time.''

Mr. President, this U.S. Senate honors CPT Eric D. Terhune as an officer, a gentleman, and a patriot. We are grateful for his years of service to our Nation and his great sacrifice. And we send our profound thanks to the Terhune family for giving their country this heroic marine. It is only by men such as he that every American can stand tall and free.

STAFF SERGEANT CHRISTOPHER N. HAMLIN

Mr. President, I rise to also honor another fallen member of our Armed Forces. This Nation is honored to have the finest arsenal of freedom in the

world in our Armed Forces. Today I pay tribute to one of those brave warriors, SSG Christopher N. Hamlin of London, KY.

On May 4, 2007, Staff Sergeant Hamlin was tragically killed after an improvised explosive device detonated near his vehicle as he was conducting combat operations in Baghdad. A soldier since 2001, who had deployed to Afghanistan, Kosovo, and on multiple tours to Iraq, he was 24 years old.

For his heroism during service, Staff Sergeant Hamlin received several awards, medals, and decorations, including the National Defense Service Medal, the Army Achievement Medal, the Army Commendation Medal, the Purple Heart, and the Bronze Star Medal.

Chris packed a lot of life into his too short 24 years. Friends and family members remember his dedication to the uniform, his love of eating crab legs, and his enjoyment watching NASCAR. He was also a writer and sometimes a poet, who would send his work to friends back home from Iraq.

''Make every day count!'' Chris once wrote. ''Appreciate every moment and take from it everything that you possibly can, for you may never be able to experience it again.''

Those words, and others, from Chris's pen were remembered at his funeral service in London.

''He never quit at anything,'' says his mother, Autumn Hamlin. ''He said that he wanted to travel the world and not watch it on television. He wanted to be right there.''

Chris grew up in Laurel County, KY, and liked hunting and fishing. At North Laurel High School, he was on the basketball, cross country and track teams and active in Junior ROTC, and he showed his eagerness to help others at a young age.

''He'd be hanging around, waiting for basketball practice to start and he'd help the janitor clean the school,'' says CDR Kenneth Vanourney, his ROTC instructor.

''In basic training, he did a lot to help the other soldiers complete their training,'' adds Chris's stepfather, Otis Johnson. ''He was already physically fit and he would finish the course early and go back to encourage the others to complete [it].''

Chris graduated from high school in 2001 and enlisted in the Army soon after, heading to Fort Benning, GA, for basic training. Eventually, Chris trained as a sniper and took first place in his training class while earning a near-perfect shooting score.

When Chris's enlistment was up, he reenlisted. The excellence he brought to his job was rewarded as he rapidly advanced in rank.

''In my 30 years in the Army, there have only been a handful of infantrymen reach noncommissioned officer in five years or less,'' says BG Joe Orr, who spoke at Chris's funeral service.

The Brigadier General adds:

> I have met very few five-year soldiers who have been on as many deployments as Chris. He believed in what he was doing. Not only serving his Nation, but serving the people of Afghanistan and Iraq. He will live on in our Army for years and years.

Chris's Army experience will also live on in the house of his grandmother, Zola Hamlin. Chris often sent her mementoes of his experiences around the world, including currency from the Holy Land, a tiny model of the Eiffel Tower, and a plastic bottle of sand from Normandy Beach with a picture of Chris standing on the beach taped to the front. ''We've always been real close,'' Zola said.

Chris's stepfather Otis said Chris talked to him about perhaps attending the University of Kentucky after returning home. He was considering a career in law enforcement or as a corrections officer.

In Iraq, Commander Vanourney said Chris's caring nature came through as he made an effort to learn the names of the children who gathered around the American troops. He told me: ''I think we're making a difference,'' the commander recalls.

Our sympathies go out to the many loved ones that Chris leaves behind today as I share his story with my fellow Senators. We are thinking of his mother, Autumn Eve Hamlin; his father, Ronnie Veach; his stepfather, Otis Johnson; his grandparents, Zola Lewis Hamlin and Thurman Jerome Hamlin; his aunt, April Hamlin Young; his uncle, John Hamlin; his five half sisters, and many other beloved friends and family members. Chris was predeceased by his aunt, Dovey Lewis Hollins.

In a letter that Chris sent home to his family from Iraq with advice for the people he missed back home, Chris wrote:

> Everyone dies . . . but not everyone lives. Life may not always be the party we hoped for, but for the while we are here, we should dance. Right now I'm in Baghdad patrolling the streets day and night, and I'm proud of my job.

This Senate is also proud of the job SSG Christopher N. Hamlin did. We honor his service and his great sacrifice, and we extend to the Hamlin family the thanks of a grateful nation for lending their country this fine patriot and soldier.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

UNANIMOUS-CONSENT REQUEST—H.R. 6842

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6842, a bill to restore second amendment rights in the District of Columbia. I ask unanimous consent that the bill be read a third time and passed, and a motion to reconsider be laid upon the table.

This is the bill that was passed by the House last week by an overwhelming margin, and I move my unanimous consent request.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DURBIN. Mr. President, reserving the right to object.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, this is an attempt to write the DC gun laws and to take away the authority of the elected government of the District of Columbia to write its own laws relative to firearms consistent with the new Supreme Court decision. If the Senator from Texas were making such a proposal for the city of Dallas or the city of Houston or the city of San Antonio, it would have some credibility because that is her State. But to make this request that we would overrule the power of the elected government of DC to implement the Supreme Court decision is inappropriate.

On behalf of Senators who have signed a public letter in opposition to the bill that passed the House, Senators LAUTENBERG, FEINSTEIN, MENENDEZ, MIKULSKI, AKAKA, JACK REED, TED KENNEDY, JOHN KERRY, CHRIS DODD, HILLARY RODHAM CLINTON, BEN CARDIN, and myself, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mrs. HUTCHISON. Mr. President, let me just respond by saying that it is the prerogative of Congress to make laws that are directly appropriate for the District of Columbia. I have been on the DC Appropriations Subcommittee; I actually was chairman when Senator DURBIN was ranking member, so he knows well that we pass laws for the District of Columbia because it is the District of Columbia, and we all appropriate money for the city to function. We have introduced this bill because the District of Columbia failed to protect the second amendment rights of the citizens of the city over which Congress has the ultimate responsibility.

It is entirely within the role of Congress to address an issue where a city is not protecting the constitutional rights of its constituents, over which the Congress has the authority. It would not be the same in the city of Chicago or the city of Dallas or other cities in our country. The District of Columbia is a unique city in that it is overseen by Congress. Congress has acted in the past over many issues where the District has fallen short, and I would say Senator DURBIN and I have done quite a bit to strengthen the government of the District of Columbia and make it more financially responsible.

So I am disappointed that the Senator has objected. I have submitted for the RECORD a letter to Senator REID from 47 of our Members who asked Senator REID to let this bill come forward because, in fact, the District of Columbia acted—and I waited. I did not pursue this until the District of Columbia City Council acted because I hoped

they would do the right thing. Unfortunately, they put up so many barriers to a person's right to self-defense in their home by requiring that a handgun be locked and unloaded, and that is not protection—not in Chicago, not in Dallas, not in Houston, and not in the District of Columbia—nor can we overcome the Federal law that does not allow interstate sales of guns across State borders because in the District of Columbia, one should be able to go to Maryland or Virginia and buy from a licensed gun dealer to be able to pursue their right to protect their home and their family in the District of Columbia.

So the bill is necessary for the rights of the people of the District of Columbia over which Congress does have ultimate responsibility, and it is my hope that we will do what the House did overwhelmingly and pass this bill and send it to the President. I will continue to pursue opportunities to make that happen. Thank you, Mr. President.

The ACTING PRESIDENT pro tempore. The assistant majority leader.

Mr. DURBIN. Mr. President, I first came to this city over 40 years ago as a student. It was a time before the District of Columbia had home rule. There was a certain paternalism felt by Congress toward the city of Washington, DC. Of course, the city of Washington, DC, does not have a voting representative in the Senate, and the delegate, ELEANOR HOLMES NORTON, who serves in the House, has limited authority to vote in committee but not on the floor. So DC does not have a voice in the House or Senate Chambers, despite the fact that some 600,000 taxpaying Americans live in our Capital City. I think that is wrong. I have consistently supported giving DC representation in Congress because I believe these Americans living in this city deserve the same rights to have a vote and be heard as those who live in Chicago or Dallas or Houston. But that has been the course of history.

Many people who come to Congress, always longing to be a mayor, get a chance to be a mayor over the District of Columbia. So this poor Capital City has 535 would-be mayors in the House and Senate who want to write ordinances for the city of Washington, DC, some of whom have been mayors at home, some of whom have lost in elections for mayor, but they are going to come here and be the mayor of Washington, DC, in addition to being a Member of the House and Senate.

There was another event that occurred shortly after I arrived in Washington—in fact, within a few weeks after I arrived—and that event occurred on November 22, 1963, in the city of Dallas, TX, when a great man and wonderful President, John Kennedy, was assassinated because another man took a long-range rifle and shot at his motorcade as he passed through that city, mortally wounding the President of the United States and claiming his life. It was a tragedy which those of us who lived through will never forget as long as we live, and it is a reminder that even if you recognize and respect rights under the second amendment—and I do—there have to be reasonable limits in terms of firearms and weapons. Otherwise, the Lee Harvey Oswalds of tomorrow can literally menace those who visit this city.

I just left a meeting with the President of Afghanistan, a wonderful man who risks his life in Kabul every day to give his people in Afghanistan a chance for freedom. He is under heavy security and guard not only in Afghanistan but in the United States. Are we going to put ourselves in a position to say—as the bill that the Senator from Texas wanted to bring to the floor says—that we are going to repeal the District of Columbia's laws on semiautomatic and assault weapons?

Are we going to now say that Congress will mandate that weapons which could be dangerous for those who live here and those who visit here in this Capital City, that we will decide in Congress which weapons will be allowed and which will not be allowed? That is what this bill does. That is exactly what it does. It goes much further than the Supreme Court decision in DC v. Heller reached just a few weeks ago.

Let me be specific. The bill would severely undermine DC gun laws far beyond the scope of that Supreme Court decision. That decision invalidated the District of Columbia's handgun ban and found that the second amendment confers an individual right. I don't quarrel with that, but it did not require the invalidation of all other types of laws, as this bill does. In fact, Justice Scalia—no liberal—Justice Antonin Scalia, in the majority opinion in Heller, specifically noted that a wide range of gun laws are ''presumptively lawful.'' Everything from laws ''forbidding the carrying of firearms in sensitive places'' to ''conditions and qualifications on the commercial sale of arms.''

Justice Scalia, in acknowledging that the second amendment creates an individual right to firearms, still made it clear that individual jurisdictions—States, local units of government—would still have the authority to forbid the carrying of firearms in sensitive places and to impose conditions and qualifications on the commercial sale of arms.

The bill that Senator HUTCHISON wants us to impose on the District of Columbia, however, repeals the prohibition of the District of Columbia of carrying guns in public, directly counter to the language of Justice Scalia; repeals DC's gun registration requirements, though it is clear in the language of the Supreme Court decision that jurisdictions such as Washington have the right to impose conditions and qualifications on the commercial sale of arms; repeals the requirement of the District of Columbia that guns are not sold to those who abuse them in crimes or those who are mentally unstable. The provisions of the bill which Senator HUTCHISON would impose on the District of Columbia repeals their right to stop people with mental illness from buying firearms or those with a history of commission of felonies. Does that make sense? Does it make sense in Washington? Does it make sense in Chicago? Does it make sense in Dallas or Houston? It does not make sense.

To come here and say that we are going to write the DC gun law, we are going to decide the safety of 600,000 people and every visitor to this city, is plain wrong. Give the city of Washington the same opportunity that the city of Dallas, Houston, San Antonio, and Chicago asks: to write laws consistent with this Supreme Court decision. They have to. Ultimately, any effort to do otherwise is going to be overturned by that Court. But to impose, as the Childers bill would—Representative CHILDERS of Mississippi introduced this bill—as this bill would, is to go too far.

I will object to this because I think this city of Washington, as well as the cities of Chicago and Springfield, IL, which I represent, and the cities of Texas have the right to write their laws to protect their citizens. When we come here and impose on them requirements and restrictions that are not being imposed on cities in our own State, it goes too far.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I think it was not quite accurate to suggest that repealing the DC's gun ban and all of the onerous restrictions put on it weren't replaced in the law to require that there be licensed gun dealers from which you could purchase a gun.

Of course, they would be licensed with all the Federal requirements, all the State requirements in Maryland and the State of Virginia. Of course, that would be a part of this law.

I have to say, I am not understanding why the distinguished Senator from Illinois continues to say the Congress does not have a right to impose our will on the District of Columbia. I have the Constitution of the United States. Article I gives the exclusive jurisdiction over the District of Columbia to the Congress ''To exercise exclusive Legislation in all Cases whatsoever, over such District. . . .''

The District of Columbia was created to be the seat of government over which Congress would have exclusive jurisdiction. It would not apply to any other State where the Constitution says the States rights prevail. But the District of Columbia is a special city, which I know the Senator from Illinois knows. It is not 535 people trying to usurp the rights of the mayor. It is 535 people who are trying to exercise our responsibility to have laws in the District of Columbia that would adhere to

the constitutional rights of the citizens here. It is our responsibility, and that is what we are trying to do.

Of course, I know the Senator from Illinois knows it has been clearly upheld that preventing certain areas for the carriage of guns, qualifications on sales, bans on automatics have been declared reasonable. I know the Senator from Illinois knows that. Those would be provided for, of course, because it is Federal law.

What we are trying to do is give the basic rights, which is our responsibility as Congress, to the citizens of this District to keep and bear arms, to have the individual right to have a handgun in their home to protect their families, not a handgun that is locked and unloaded, which is what the District of Columbia Council has put out as its response to the Supreme Court case that declared their ban unconstitutional; not to provide so many restrictions and costs on registering a gun that it becomes very difficult and creates a restriction on those second amendment rights; and last but not least, giving them the right in this one instance to buy a gun across State lines because this District is bordered by Virginia and Maryland, where there are gun dealers who are licensed, who do have the correct restrictions and background checks in place to be able to do that because there are not gun dealers in the District of Columbia who would give the proper access to people who would want to protect themselves and their homes.

When I look at the statistics in the District of Columbia, I look at the person who is robbed and murdered in their home. I look at the policeman who is shot in the face doing his duty in this District. I think people should have the right in this District to protect their businesses with a handgun, which is barred by the District of Columbia, and to have a firearm in their homes unlocked and able to protect their families from an intruder.

We did not get to bring up this legislation today. When the House of Representatives passes something 266 to 152, that makes a clear statement that this Congress is trying to do the right thing to help the District of Columbia residents have their second amendment rights.

I hope at some point the Senate will take up this bill that has been passed by the House overwhelmingly and send it to the President, who I know will sign it.

The PRESIDING OFFICER (Mr. BROWN). The assistant majority leader is recognized.

Mr. DURBIN. Mr. President, the police chief of the District of Columbia, Cathy Lanier, testified before the House of Representatives and said this bill, which Senator HUTCHISON is trying to impose on the District of Columbia, would make it far more difficult for the policemen in the District of Columbia and Federal agencies ''to ensure safety and security in the Nation's capital,'' and she cited particular concerns about providing security for the thousands of dignitaries, motorcades, and special events that occur in our Nation's capital.

I wish to listen to those who are in uniform risking their lives in Washington, DC, to keep it safe for the people who live and visit here. They should be given the opportunity to make sure the laws that are written are written in a way to be consistent with the Supreme Court decision, consistent with the individual right to bear arms but also consistent with the standards that Justice Scalia mentioned.

The Childers bill that Senator HUTCHISON would say must be the law of the District of Columbia would repeal the District of Columbia's prohibition of carrying guns in public. That runs directly counter to the language of Justice Scalia, who said that States and cities could impose laws ''forbidding the carrying of firearms in sensitive places.'' Does that mean we would be prohibited from searching people coming into the Capitol complex and taking their guns away under the Hutchison provision? I am not sure I know the answer to that question, but I think it is worth thinking about carefully before we consider imposing this gun ordinance from the House.

I am also concerned about the fact that this bill would repeal the right of Washington, DC, to regulate gun sales. I don't want guns to end up in the hands of the mentally ill and those with a history of felonies, violent felonies. Does that make you feel safer?

My State of Illinois, similar to the State of Virginia, recently went through this tragic episode, where someone brought a gun into college last year at Northern Illinois University, killing innocent people. It also happened across the river at Virginia Tech.

Do I think in Illinois and in Virginia we want to make sure on college campuses and other sensitive places that people do not carry firearms? Of course, I do. If I am going to send a child of mine or grandchild to a university, the first thing I want is for them to come home alive. If it means putting reasonable standards so people cannot carry guns into those surroundings, we should do it. Why would we create a different circumstance for the District of Columbia? I went to school at Georgetown University. If Georgetown wants to make certain that students do not carry guns on to certain elements of the campus, I stand behind them and I will fight for them. It is consistent with the Supreme Court decision.

I wish to tell you something, the Childers bill that Senator HUTCHISON would impose on Washington repeals Washington's right to prohibit the carrying of guns in public. That goes too far. To take this provision that has been written by the gun lobby and impose it on the District of Columbia and on all the people who live here is wrong.

The Senator is right; in the past, Congress has done just about anything you can think imaginable when it comes to imposing laws on the District of Columbia. Many Members of Congress who never served as mayors get their chance to pick on this city right here, to write Federal legislation that they would never think of introducing back home for their own hometowns. Let's do it for Washington; let's go ahead and try a little experiment. That is not fair, it is not just, and it is not American.

These people in this town deserve a voice in their own future, to elect people who speak for them and represent them, as we do all across America, to have a chance, as Delegate NORTON has asked for, only 6 months to implement this new Supreme Court decision is not unreasonable. I know there are those who want it done today, and I am anxious to see it done, too, but I am not going to try to impose a law on the District of Columbia that is unfair, that creates insecurity where we have been warned by the police chief that it makes it less safe for visitors to the Nation's capital. That is irresponsible.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter, dated September 22, 2008, to our majority leader from some of my colleagues expressing concern about this legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, September 22, 2008.

Hon. HARRY REID,
Majority Leader, U.S. Senate.
Washington, DC.

DEAR LEADER REID: We are writing to express our concern about H.R. 6842, the ''National Capital Security and Safety Act,'' which would override the laws of the District of Columbia on the ownership of firearms in the District. The bill passed the House of Representatives on Wednesday, September 17, and we understand it will be placed on the Senate calendar without being referred to the Homeland Security and Governmental Affairs Committee or the Judiciary Committee.

This legislation would have a considerable impact on safety and security in the nation's capital. In addition, we understand that it makes at least one significant change to federal criminal law. As a result, we are concerned about proceeding to this bill without hearing from local and federal law enforcement officials and other interested parties. We also believe there should be an opportunity to offer and debate amendments to this bill.

In short, this legislation is too important to consider according to a truncated process. Thank you for your attention to this matter.

Sincerely,

Frank R. Lautenberg, Dianne Feinstein, Robert Menendez, Barbara A. Mikulski, Daniel K. Akaka, Jack Reed, Ted Kennedy, John F. Kerry, Chris Dodd, Hillary Rodham Clinton, Ben Cardin.

Mr. DURBIN. I yield the floor.

The PRESIDING OFFICER. The senior Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I wish to make sure the record shows that, No. 1, it is the constitutional responsibility of Congress to assure that

the District of Columbia residents have their second amendment rights. That is our highest calling. It is our highest responsibility. It is not usurping anyone's right in the District of Columbia City Council. It is standing for the rights of the people of the District of Columbia, which is our responsibility to do.

Secondly, I want the record to be very clear that every gun dealer in the District of Columbia—there is one—in the State of Virginia, and in the State of Maryland all have the same requirements that are Federal law that would have to be adhered to that would require a record check by the National Instant Criminal Background Check System. There would be no exceptions to that. Having the background check would be essential for anyone to purchase a gun under our law or any law of the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I ask unanimous consent to be recognized as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FINANCIAL CRISIS

Mr. ISAKSON. Mr. President, in the next 48 to 96 hours, Members of this Senate and Members of the House of Representatives will be called upon to make what may very well be the most important decision any of us have been asked to make, certainly domestically.

There have been a lot of reckless comments, a lot of sobering comments, a lot of speeches made on this floor, a lot of accusations made regarding the recovery or rescue supposedly by Secretary Paulson. But it is very important for Members of this body to, first of all, make sure that facts are reported accurately and, second of all, that we give ourselves a chance to get this action right because there will be no second chance.

Yesterday, two Senators—Senator COBURN from Oklahoma and Senator GREGG from New Hampshire—made very eloquent, accurate, and sobering speeches about the gravity of the economic situation we face but also correcting some of the accusations that have been made by some about the recovery that has been proposed.

This morning, I was heartened to see two people in the media make comments early on the morning news, which gave me hope that we are finally coming to a point where people are going to report facts rather than fantasy.

Ali Velshi, who is the economic reporter on CNN, in fielding a question from a listener who blamed the rescue we are talking about to be a rescue of Wall Street, pointed out to that person that this is not a rescue of Wall Street. We are giving a chance to provide liquidity to banks, savings and loans, credit unions, and financial institutions of the United States of America, not Wall Street.

And Boone Pickens, who was interviewed because ostensibly he has lost millions of dollars of his multibillion assets in recent days, when asked about the consequences of us doing nothing, said very simply: ''You must trust Mr. Paulson.''

I trust him. We must do what is right. Those are sobering comments. I thought what I would do for a little bit is set the record straight, or at least accurately, of some of the things that have gone on, some of the things that are going on, and what the Paulson proposal can do when it is perfected to help us in a very difficult period of time.

As I said on the floor of this Senate on many occasions, the villain in this situation is very essentially Wall Street's investment banking community and Moody's and Standard & Poor's, the rating agencies. They created subprime securities. Moody's and Standard & Poor's wrote them as investment grade. They sold them around the world. When those high-risk, poorly qualified, high-yielding loans were made and began to be defaulted on, the securities started losing their value, and they lost them at a rapid rate. They became known as subprime securities or, as some have called them, toxic assets.

The problem that faces the country today is the uncertainty of the value of those assets has plummeted their value to virtually zero. There is no market. The American people yesterday, in looking for a place to invest their money, were willing to take zero interest to buy Treasury bills, meaning they were looking for a place to park their money.

We are not in a time where there is any confidence in the investment community and everybody is worried and concerned. Secretary Paulson's proposal is to spend up to—and I would use the word ''invest'' up to rather than ''spend''—$700 billion to purchase from financial institutions these mortgage-backed securities at a discounted price established by the Secretary. Assuming for a second the discounted price is 50 percent, that $700 billion would actually take off the shelves $1.4 trillion in mortgage-backed security assets held currently by financial institutions—a significant amount of money. The minute the Treasury begins to buy these entities and these securities, there are going to be people coming back to the market to buy them as well.

Think about this, Mr. President: If you buy a security at 50 cents on the dollar, then you are reducing what the company paid for it—their investment—by 50 percent. If the default rate on mortgages—on subprime loans—in the country is 12 or 15 percent, which in some cases it is, that is only 85 percent of 100, which means there is a 35-percent spread on those mortgages that are paid to maturity.

So with the strength of the country being able to buy those securities, hold those securities to maturity, there very possibly is a significant margin for the Treasury of the United States. The amount of the investment made by this country will never be $700 billion. It will be somewhere between $700 billion and whatever we recover from those securities upon their maturity, which could well be $500 billion, $600 billion, $700 billion, even maybe possibly a margin above that.

So this is not an investment to save Wall Street. This is an investment to provide liquidity to the lending institutions that service my citizens in Georgia and yours in Ohio and my colleague's in Oklahoma, the people who now are struggling to be able to get credit for their small business or for their car loan or for a mortgage.

I think it is also important to recognize that some of the actions taken by the Fed and the Treasury in the weeks leading up to this decision, which have been referred to also as Wall Street bailouts, have been, in some cases, misreported. The Bear Stearns investment of $29 billion helped a transaction to be made that caused Bear Stearns to lose 90 percent of its value. That is not a bailout. AIG is paying the taxpayers of the United States 8½ percent on a loan we made to AIG to allow it to liquidate itself—a loan, by the way, that the U.S. Treasury will make money on.

The proposal being made on those two is off the balance sheet for the United States. The $700 billion proposal is on the balance sheet, and it will create a liability, and during its maximum time it will raise the debt. But as the securities are held to maturity, as they are sold at a price between the discount they are purchased for and the value they ultimately are redeemed for, the Treasury will have a reduced and diminished liability.

I am not here to sell the Secretary's proposal, and I am anxious to wait for the meeting this afternoon to see the final details, but I am saying that words are important and loose lips at a time such as this in our country are very dangerous. For us to castigate a recommendation to save our economy—which, in fact, is a rescue and not a bailout—is wrong, and it is wrong for elected officials, such as myself or anyone else, to take fast-and-loose facts and apply them to a situation that is the gravest we have faced in this country in a long time.

So I take the word of Boone Pickens to place confidence in those we have entrusted to represent us—in this case, Secretary Paulson. I take solace in the words of the President last night and the sobering comments of Senator JUDD GREGG on the floor of this Senate when he explained accurately and correctly the financial effects of doing nothing in this situation.

Mr. President, we have 48 to 96 hours to make a decision. Let's make it on the facts. Let's make it in the best interests of the American people. Let's

make it in the best interests of Main Street because, after all, those are the people we serve—the ones who go to our banks, our savings and loans, who run our small businesses, and who are our next-door neighbors. They are the Americans we represent. They are the Georgians I represent. When I make a decision this weekend, it will be in their best interest, their children's, and their lives.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from Oklahoma is recognized.

THE ENVIRONMENTAL MOVEMENT

Mr. INHOFE. Mr. President, let me first say that this has been a very difficult subject, and I have the utmost respect for the Senator from Georgia. As he said, I am looking forward to waiting and seeing a final product. I look at what is there right now, and I do have concerns. I have concerns as to who the asset managers will be, what institutions will be involved, and what types of assets. It would seem to me, as I read it, that as the $700 billion is paid down, other assets could be purchased, and I just wonder where it would end. I believe some new heads will come in and kind of look at these proposals and perhaps come up with something that will resolve a looming problem we all are concerned about.

Today, my concern is on a different subject and one that is very important to me as an American citizen and as the ranking member of the Environment and Public Works Committee. The situation I am about to discuss reminds me of an old saying: Beware of wolves dressed in sheep's clothing. Today's so-called environmental movement can be described in much the same way.

Campaigns to ''save a cuddly animal'' or ''protect the ancient forests'' are really disguised efforts to raise money for Democratic political campaigns. Take this ad, for example, displayed on the League of Conservation Voters'—or the LCV's—Web site. This is LCV's standard text used to raise money for a nonprofit organization. In turn, the LCV takes these donations, given to ''save the environment,'' and then uses them to fund ads for Democratic candidates, such as Ben Lujan from New Mexico. LCV, similar to other groups I will highlight later, disguises itself as an environmental group dedicated to saving the environment. Yet, as shown by this political ad, it is simply an extension of the Democratic political party.

In the fall of 2004, I came to the Senate floor to discuss this very topic. This report and my remarks today are an update of the 2004 report. Over the last several months, my staff has put considerable time and effort into examining this deception. This examination has uncovered the tangled web of charitable and environmental organizations, political campaigns, and large foundations. Environmental groups are tax-exempt, IRS-registered, 501(c)(3) charitable organizations, meaning that contributions to these groups are tax deductible. I think it is very important that people understand, because there is always confusion here, that a 501(c)(3) is not supposed to be a political organization. It is a charitable organization. And there are many legitimate ones out there that deserve the tax-exempt status they have.

These groups profess to be stewards of the environment and solicit contributions from a variety of sources using these claims, but they demonstrate more interest in hyping the extreme environmental scenarios to raise money for raw political purposes than working toward actual real-world environmental change for the benefit of all Americans. Not surprisingly, given these deceptions, these nonprofit groups are tightly affiliated with and fund the 501(c)(4) lobbying organizations and 527 organizations. And we all know that 501(c)(4) organizations and 527 organizations are lobbying organizations that get involved in political campaigns.

With these intertwined organizations, it is extremely difficult to differentiate the source of funds and track their use. This problem is highlighted in a report prepared by my staff which provides preliminary examples based on the five most politically active environmental groups. The report describes their activities, the foundations that provide their financial support, and the interconnected web among these organizations.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks the staff report to which I just referred.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. INHOFE. Mr. President, my staff is not the first to uncover this sham. A December 19, 2007, article in the Wall Street Journal highlighted the very same problem, stating:

> Because the IRS doesn't require 501(c) organizations to detail election spending or to list contributors, it is difficult to track their political activity.

The Journal analyzed data on 30 separate 501(c) groups active in elections from 2000 to 2006, culled from a variety of sources. The data—this again is from the Wall Street Journal—showed that the 30 organizations spent at least $155 million on the 2006 elections, nearly twice what they spent in 2000.

Environmental groups have become experts at duplicitous activity, skirting laws up to the edge of illegality and burying their political activities under the guise of nonprofit environmental improvement. This chart demonstrates this interconnected ''enviro-family affair'' of nonprofits and their benefactors. As you can see, the six organizations at the bottom of this chart are all either 527 groups or political 501(c)(4)s.

Let's take a look at the League of Conservation Voters, which is a poster child for this deceit. The LCV is an IRS-registered 501(c)3. Contributions to the organization are tax deductible. However, contributors should understand that LCV is a political organization affiliated with a 501(c)(4) organization, a political action committee, and a 527 organization. All three of these are political.

LCV represents itself as ''turning environmental values into national priorities,'' and much of its funds, even from its 501(c)(3) organization, goes to fund voter mobilization and education drives.

In each election cycle, LCV endorses political candidates. Since 1996, LCV has published a ''Dirty Dozen'' list and bragged about its effectiveness in ousting candidates on the list. Not surprisingly, the list singles out all Republican candidates, but they almost always throw in one Democratic candidate—just one—to make it appear as if it is technically bipartisan. To date, 83 names have been placed on the LCV's ''Dirty Dozen,'' 74 of which are Republicans. By their bipartisan claims, it would be expected that the LCV's support would be split evenly. The publishers of the ''Dirty Dozen'' list have yet to name even a dozen Democrats to their list in the last 12 years.

In 2006, LCV had two 527 groups, the League of Conservation Voters SSF and the League of Conservation Voters, Inc., SSF–527 II. These 527 groups were fined by the Federal Election Commission for three violations of Federal election law. One of the violations was that LCV knowingly accepted individual donations in excess of $5,000. LCV collected over $6 million in donations during 2004 that violated the $5,000 individual maximum amount restriction, and the ultimate fine was a total of $180,000 by the FEC.

According to an FEC press release, LCV received this fine for acting as a clear political committee and violating Federal election law. The Wall Street Journal highlighted these violations in an article published in December 2007. Following this incident, the LCV restructured its organization into a 501(c)(4), which allows the organization to run with fewer disclosure restrictions.

LCV has a long history of direct involvement in political campaigns. In 1996, LCV spent nearly $1.5 million in ads focused on defeating its ''Dirty Dozen'' list targets of 11 Republicans and, oh yes, 1 Democrat. In 1988, the LCV spent $2.3 million targeting its ''Dirty Dozen'' list of 12 Republicans and, oh yes, 1 Democratic candidate. In 2000, the LCV spent nearly $4 million, again targeting 11 Republicans and 1 Democrat on its ''Dirty Dozen'' list. And I can't forget that in 2000, the LCV also endorsed Al Gore for President—clearly a political endorsement. In 2002, LCV once again targeted 11 Republican

congressional candidates and 1 Democrat. Clearly there is a partisan pattern here. LCV spends hundreds of thousands of dollars in congressional contests against Republican candidates.

That same year, the group undertook its strongest single effort to date, focused on my friend, Senator ALLARD, who will be speaking right after me. The LCV claims to have budgeted $700,000 for that race—I am talking about incumbent Senator ALLARD from Colorado—and hired a campaign staff of 12 to coordinate phone banks and precinct walks. In addition, LCV ran television and radio advertisements against Senator ALLARD. Of course, as we all know, Senator ALLARD won in spite of that.

Altogether, the LCV reportedly spent $1.4 million in independent expenditures during the 2002 election cycle. Of that total amount, LCV spent $1.3 million benefitting Democratic candidates while only spending $136,000 for Republican candidates. That again is the ratio we see consistently, 10 to 1, to make it look as though it is not an arm of the Democratic Party. Two years later, in 2004, the ''Dirty Dozen'' list contained twelve Republicans and one Democrat. LCV and its affiliates spent a new record total of $16 million during that year's elections targeting the 13 candidates. As in previous years, the 1 Democrat on the list retained his seat while 4 of the 12 Republicans were defeated. For the first time, in 2004, the LCV included a Presidential candidate on their list. The LCV endorsed Senator JOHN KERRY for President—again all political.

In 2006, the LCV chose 15 candidates for their ''Dirty Dozen'' list. The list was comprised of 13 Republicans and 2 Democrats. While the two Democrats on the ''Dirty Dozen'' list retained their seats, nine Republicans lost their seats. The LCV and its affiliates used its extensive budget of $27 million on campaign activities.

The 2006 elections also highlighted the intertwined political activities of LCV and other groups. A coalition of environmental organizations, that included LCV and the Sierra Club, worked together in 2006 to defeat their top target Richard Pombo, then chairman of the House Resources Committee. This coalition invested more than $1.7 million in the race to defeat him. If that figure alone is not startling enough, then look at this chart that shows part of a Sierra Club press release that gloats about their activity in this House race. We see that the Sierra Club invested $545,000 in this race and had 643,000 contacts with voters, and sent 397,000 pieces of mail in this race alone—Richard Pombo, in California.

At the time of this report, the LCV had yet to release a completed version of the 2008 ''Dirty Dozen'' list. However, it has released the names of nine individuals who will fill up the ranks of the completed list. Of those nine, there is one Democrat joining the ''Dirty Dozen.'' I would be remiss not to mention that it looks like I will be on their list this year. It should come as no surprise that for the 2008 Presidential election, the LCV has endorsed Senator BARACK OBAMA for President.

As one individual who will be running, I am sure there will be a lot of money that will be in my race. I think it is kind of interesting that in this day, when we are all concerned with what might be happening on Wall Street and some of the people who have made huge salaries and then turn around and have a defunct company, we see the Environmental Defense Fund's Fred Krupp receiving a salary of $357,000; Sierra Club, Carl Pope, $207,000. I am hoping these contributors know that not only are their contributions going to organizations that are not doing anything about the environment, but they are paying very large salaries to large staffs.

While there is no means of calculating or anticipating what LCV will spend this year, as their budget has grown every election cycle, they will most likely have at least the $27 million that they did in 2006.

LCV is certainly not the only organization doing this. The Sierra Club, which describes itself as ''America's oldest, largest, and most influential grassroots environmental organization,'' has a similar record of trickery. The Sierra Club Foundation is a 501(c)(3) tax-exempt organization with an affiliated 501(c)(4) group, Sierra Club. There is also a 527 organization called the Sierra Club Voter Education Fund, which claims to be a ''separate segregated fund of the Sierra Club.'' The Sierra Club Foundation does not claim affiliation with this 527 organization, however the Sierra Club Voters Education Fund does not have its own board of directors, officers or trustees.

In 2006, the Sierra Club 501(c) organizations brought in more than $110 million and spent nearly $104 million; the Sierra Club 527, the Sierra Club Voter Education Fund, only brought in $60,000, but managed to spend nearly $1 million. That is pretty tricky.

Similar to LCV, the Sierra Club has a history of endorsing candidates for political office. Most recently, the Sierra Club announced its support of Senator OBAMA's Presidential bid. While there is no reported activity yet from the organization, the Sierra Club has been known to run television and radio advertisements both supporting their candidate and criticizing the opposition. At the time of this report, Sierra Club had announced its support of 13 candidates for seats in the United States Senate. Of those 13 candidates, none are Republicans. The organization has also announced its endorsement of 156 candidates for the U.S. House of Representatives. Of the candidates, four are Republicans. Essentially, 98 percent of Sierra Club's endorsements favor Democrat candidates.

Another example is the Natural Resources Defense Council.

The Natural Resources Defense Council, Inc. is registered as a 501(c)(3) organization. It is also affiliated with a 501(c)(4) organization, the NRDC Action Fund, and a 527 organization, the Environmental Accountability Fund. By having at least one of each category of tax-exempt organizations, these groups can transfer wealth throughout their family of organizations and remain virtually undetected. In its 2006 tax filing, Natural Resources Defense Council, Inc. transferred $98,801 to NRDC Action Fund, and NRDC Action Fund transferred $124,500 to undisclosed ''other organizations'' that same year.

Founded in 1970, NRDC purports to be the ''nation's most effective environmental action group'' whose mission is to ''[t]o safeguard the Earth: its people, its plants and animals and the natural systems on which all life depends.'' The NRDC claims to use grassroots efforts and the power of legal and scientific expertise to achieve its goals, which they describe frequently as ''independent.''

From 2001 through 2005, the NRDC reported on the Bush administration by creating the Bush Record. The Record categorized President Bush's time in office as an administration that ''will cater to industries that put America's health and natural heritage at risk.'' The NRDC predicted that Bush would continue ''to undermine environmental enforcement and weaken key programs.'' The organization gave up the effort and stopped tracking the administration's moves after President Bush defeated Senator KERRY in the 2004 election. It is interesting, I remember the ''Clear Skies'' legislation that was the largest reduction of pollutants of any President in the history of America and it was defeated by the Democrats in the Environment and Public Works Committee.

My staff examined two other organizations, Greenpeace and Environmental Defense Fund, and found similar patterns of partisan fund-raising and spending.

Greenpeace, like other environmental activist organizations, has strong ties to other politically oriented groups. The chairman of the board of directors, Donald Ross, is involved in multiple organizations, including the LCV, where he is a board member. Ross is also the founder of M+R, a campaign strategy firm whose clients include, among others: Environmental Defense Fund; LCV; and the Democratic Congressional Campaign Committee. Greenpeace is also a client of Earthjustice, the legal entity that represents the Sierra Club, NRDC, and Environmental Defense Fund. Additionally, Greenpeace remains officially affiliated with the Partnership Project, whose members also include Sierra Club, Environmental Defense Fund, NRDC and LCV. While Greenpeace may not make a Dirty Dozen list, or endorse hundreds of Democratic candidates, it is affiliated with and supports the organizations that do. Furthermore, it

represents those affiliations to the rest of the world.

Environmental Defense Fund, EDF, describes itself as an organization that ''is dedicated to protecting the environmental rights of all people'' by using a scientific approach that is ''nonpartisan, cost-effective, and fair.'' Environmental Defense Fund is represented by its family of organizations, Environmental Defense, Inc., a 501(c)(3) organization, and Environmental Defense Action Fund, Inc., a 501(c)(4) organization.

EDF is also intimately connected with other environmental and political organizations. Trustee Frank Loy currently serves as one of Senator OBAMA's ''top environmental advisers'' for the 2008 Presidential campaign. This past year, trustee Douglas Shorenstein donated $272,100 to Democratic political objectives, including the Hillary Clinton and Al Franken campaigns. Trustee Joanne Woodward, wife of noted Hollywood star Paul Newman, donated significantly to both the Clinton and Obama campaigns. Until 2006, Teresa Heinz, wife of Senator JOHN KERRY served on the board of trustees for EDF. Heinz is also the current chairman of Heinz Endowments, a part of the Heinz Family Foundation, one of the Nation's 25 largest charitable foundations. Current EDF trustee George Woodwell also serves on the board of the NRDC.

EDF reported raising $71.8 million for the 2006 calendar year, and reported receiving contributions totaling more than $94 million during the 2006 IRS filing period. Of that amount, the organization spent $18.9 million to promote their stance on climate change issues, and $19.5 million collectively on land and ocean environmental issues.

In addition to the publicly professed alliances among these groups, they are all connected by the foundations that provide them with a significant amount of funding.

The Heinz foundations are some of the largest contributors to these nonprofit environmental organizations, and, of course, Ms. Teresa Heinz Kerry is either chairperson of the board of trustees or member of the board of trustees on each foundation. In fact, Ms. Heinz Kerry oversees more than $1.5 billion of Heinz foundation resources.

Last year alone, Heinz gave $160,000 to NRDC directly. Since 2002, Heinz has given a total of $740,000 to EDF, LCV, and NRDC specifically. Over the past 5 years, Heinz has also given $3.8 million to Tides. Tides has donated significantly to all five of the mentioned environmental organizations, and receives a large portion of their funding from foundations such as Heinz.

Another major supporter of environmental groups is the Turner Foundation, founded in 1990 by Ted Turner. The Turner Foundation sponsors special projects including the Partnership Project comprised of 20 national environmental groups. Since 2002, the Turner Foundation has contributed more than $2.9 million to the Partnership Project. Additionally, the Turner Foundation has given more than $1 million to the NRDC, $778,875 to EDF, and $6.7 million to the LCV Education Fund.

The Pew Charitable Trust, which claims it is ''an independent non-profit serving to inform the public on key issues,'' also gives substantially to environmental groups. Two of Pew's environmental priorities include global warming and wilderness protection.

Since 2002, Pew has given a substantial amount of money to environmental activist groups directly and through other private funds that finance these groups. Pew contributed $431,000 to EDF, $900,000 to NRDC, and $700,000 to the Partnership Project, a joint venture of the Nation's leading environmental groups. Additionally, Pew gave more than $7 million to the Tides Foundation. During that time, the Tides Foundation contributed a collective $1.8 million to the following organizations: EDF, LCV, Greenpeace, NRDC, and Sierra Club.

This tangled web of political financing and private dollars should be disconcerting and even scary to American's concerned about transparency and honesty in our Government. Clearly, where these environmental groups are concerned, there is no line between issue advocacy and political activity. And most disturbing is the fact that one cannot tell if these so-called environmental groups that claim to protect and conserve our environment, really spend any money on actually improving our environment.

Why is this important? Well, it is important because our environment is important to all of us. Despite what you may hear from these groups in their attack advertisements against President Bush and Republican candidates across the Nation, our air is cleaner, water more drinkable, and our forests are becoming healthier. For instance, over the last 30 years, we have cut air pollution in half.

This is also important because these wolves disguised in sheep's clothing are deceiving the America people. When an individual gives their hard-earned money to one of these organizations, most expect it to be used for the environmental cause they support, not political campaigning.

It seems that it is more important to these groups to turn their once laudable movement into a political machine misleading the American public regarding their purely politically partisan agenda under the guise of environmental protection. Again, a wolf in sheep's clothing.

Our nation's first Chief of the U.S. Forest Service, Gifford Pinchot, said, ''Conservation means the wise use of the earth and its resources for the lasting good of men.'' He also said that ''conservation is the application of common sense to the common problems for the common good.''

Those words ring true today. Unfortunately, it is clear to me that the environmentalist movement is deaf to them. What we find now is the fleecing of the American public's pocketbooks by the environmental movement for their political gain. We also find exhausting litigation, instigation of false claims, misleading science, and scare tactics to fool Americans into believing disastrous environmental scenarios that are untrue.

Mr. President, especially in this election year, the American voter should see these groups and their many affiliate organizations as they are: the newest insidious conspiracy of political action committees and perhaps the newest multi-million dollar manipulation of Federal election laws.

As an American citizen concerned about our environment and our country, I am dismayed and saddened by this deception. If these groups actually used the hundreds of millions of dollars they raise for actual environmental improvement, just think how many whales and forests we could save.

These wolves should be seen for what they really are: massive democratic political machines, disguised as environmental causes.

You know, I think a lot of people on this floor understand, both Democratic and Republican, and the American people, there has been a wake-up call. When you look at what happened in the bill back in 2005 that came forward on trying to put caps on the greenhouse gases and cap and trade, a very expensive system that would cost the American people over $300 billion a year.

At that time, there were only three Senators who came down to oppose that bill. Yet this was overwhelmingly defeated. Then fast forward 3 years to 2008. We had a similar bill on the floor of the Senate a few weeks ago. This time, 24 Senators, or 23, came down and joined me to tell the truth as to the economic destruction that would come should we pass this legislation.

So I think that wake-up call is there. In spite of the millions of dollars that are channeled through 501(c)(3)s to defeat Republican candidates, I think reason is winning.

EXHIBIT 1

INTRODUCTION

Environmental activism has become a multibillion dollar industry in the U.S. campaigns to save the whales or stop mining beg average Americans for their support through donation of their hard earned dollars. These environmental campaigns also receive millions from charitable foundations such as the Pew Foundation, Turner Foundation, and Heinz Foundation. But what most don't know when they donate to a cause to ''save the rainforest'' or ''save the polar bear'' is that their money could end up being used for partisan activities that are only tangentially related, if related at all, to the cause for which they are intended.

The majority of environmental activist groups present themselves as objective, nonpartisan, nonprofit groups that are dedicated to environmental integrity and protection. To accomplish their goals, these groups typically set up 501(c)(3) nonprofit organizations

with affiliated 501(c)(4) organizations. It is difficult to detail these organizations' specific spending habits. On December 19, 2007, the Wall Street Journal published an article that documented just how difficult this process is, and how political several 501(c) organizations were in the last year. The article stated:

''Because the IRS doesn't require 501(c) organizations to detail election spending or to list contributors, it's difficult to track their political activity. The Journal analyzed data on 30 separate 501(c) groups active in elections from 2000 to 2006, culled from a variety of sources. The data show that the 30 organizations spent at least $155 million on the 2006 elections, nearly twice what they spent in 2000.''

As early as 1995, the Internal Revenue Service (IRS) noticed a growing problem in today's non-profit sector. The IRS published an educational document about the difficulties in separating such non-profit organizations' nonpartisan status from the legislative and political activities that such organizations undertake. The report stated: ''[T]he work of exempt organizations specialists reflects diverse ways in which political agendas are forwarded. Today, political agendas are being forged by political parties, candidates, legislative caucuses, educational organizations, and political action committees. When entities employed in this process seek recognition of exemption under IRC 501(c)(3) or 501(c)(4), questions arise about the scope of political campaign, legislative, and political educational activities permitted under these sections.''

The IRS categorizes a broad issue that has become very prominent among today's leading environmental activist groups. For years, there has been public and political scrutiny over the activities of major environmental activist groups, such as Environmental Defense Fund (EDF), the Natural Resources Defense Council (NRDC), and the League of Conservation Voters (LCV), and their financial links to charitable institutions, such as the Tides Foundation and Heinz family foundations. These issues were brought to the public's attention several years ago through various publications such as the 2004 articles in The Hill and The Washington Post.

This report will focus on the financial intricacies and political ties of major environmental activist groups including the League of Conservation Voters, the Environmental Defense Fund, Greenpeace, the Natural Resources Defense Council, and the Sierra Club, and the major foundations that support them.

501(C)S AND 527S

The three different types of nonprofit groups analyzed in this report are 501(c)(3), 501(c)(4), and 527 organizations, all of which have tax-exempt status under the Internal Revenue Code. A single group is often affiliated with other types of organizations. For example, the League of Conservation Voters, Inc. is a 501(c)(3) that is affiliated with two 501(c)(4) organizations and two ''527 groups'' and a political action committee (PAC). There are different requirements and restrictions placed upon each group, as analyzed below.

501(c)(3) nonprofits are tax-exempt organizations that can participate in political issues, but not specific campaigns. These organizations must be organized and operated for a qualifying purpose (e.g., a charitable, educational, or religious purpose) and serve the public interest. They are commonly thought of as charitable organizations. The majority of the funds raised by these organizations come from individual donors and other public sources. The individual donations are tax deductible for the donor as long as they meet certain criteria. One such criterion is that the donor must present receipts for amounts of more than two hundred and fifty dollars. These organizations can lose their tax exempt status by supporting or opposing a candidate and engaging in campaign activities that are specifically linked to election periods, such as a presidential primary election.

A 501(c)(3) can lobby on their issues, but lobbying cannot be a substantial part of their activities. The organizations can also educate the public and fund research that supports their positions. However, 501(c)(3) organizations cannot ''participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office.'' Some examples of popular 501(c)(3)s are The Salvation Army, United Way, and Habitat for Humanity. Any funds transferred by the 501(c)(3) to an affiliated organization cannot be used for impermissible purposes (e.g., campaign activities).

Another type of tax-exempt organization is a 501(c)(4) organization. These organizations are typically ''social welfare organizations'' whose purpose is to promote the common good and general human welfare. Unlike 501(c)(3) organizations, donations to 501(c)(4) organizations are not tax deductible. Under the scope of promoting the general welfare, the 501(c)(4) organizations can engage in political activities with fewer restrictions than a 501(c)(3). For example, a 501(c)(4)'s general lobbying efforts are almost unlimited. Additionally, a 501(c)(4) can promote a candidate for office, as long as campaigning is not the organization's primary purpose. A 501(c)(4) can generally receive and give funds to both its affiliated 501(c)(3)s and 527s without risking its tax-exempt status. Any transferred funds, however, may be subject to tax if those funds are used for a taxable purpose.

One of the most prominent examples of a 501(c)(4) campaign is Moveon.org Civic Action, more commonly known as Moveon.org. This organization, which began in 2002, is most famous for its television and print advertisements campaigning against the war in Iraq. The organization also utilizes electronic mail and petitions to achieve its goals. Under the scope of promoting the social welfare, Moveon.org is legally able to become politically involved to campaign for its goals and objectives.

Many 501(c)(3) and 501(c)(4) organizations also have affiliated 527 political organizations. Because 527s are political organizations, they can cross the partisan barrier that is off-limits to 501(c)(3) organizations. For example, a 527 organization can attempt to directly influence the election, appointment, or nomination of a particular political candidate for public office. 527 political organizations include the entities that are regulated as political committees under federal election law, such as political action committees (PACs). They also include organizations that appear intended to influence federal elections in ways that may be outside the scope of federal election law and therefore are not regulated by the Federal Election Commission (FEC). These latter organizations are commonly referred to as ''527s'' or ''527 groups,'' and that is how this report identifies them. A 501(c)(3) may not transfer money to an affiliated 527 organization for campaign activities, but a 501(c)(4) organization may be able to do so without losing its tax-exempt status, although the funds may be subject to tax.

A 527 group can conduct several partisan activities similar to a PAC. However, unlike a PAC, a 527 group cannot have as its major purpose the nomination or election of a federal office candidate, cannot expressly advocate for election or defeat of a clearly identified federal candidate, and cannot contribute money directly to a candidate's campaign. 527 groups can, however, utilize unregulated ''soft'' money to highlight specific candidate's strengths or weaknesses, and generally promote said candidate without specifically endorsing his or her election. Therefore, a 527 group may be able to essentially operate as a ''soft money'' PAC without having to register with the FEC.

In recent history, 527s have received increased scrutiny for not complying with IRS regulations, including donor disclosure requirements. Consequently, some organizations may have switched over to campaigning through their 501(c)(4) organizations. The 501(c)(4) retains the ability to engage in campaign activities but is not subject to donor disclosure requirements.

It is the ability to shift funds easily among these different organizations that has generated a stir of political attention and has raised some very serious questions about the validity of each. Supposed ''nonprofit, nonpartisan organizations'' can shift funds very easily to organizations formed for the sole purpose of partisan, political activity. 501(c)(3) organizations can shift funds to 501(c)(4) organizations, which can participate in partisan activities, although the funds could not lawfully be used for campaign activities. A 501(c)(4) can shift funds to a 527 organization, often founded for political campaign purposes. Clearly, without a system for tracking funding in these types of organizations, a donor could contribute to a nonpartisan, nonprofit organization and the donation could ultimately be used for partisan political activities. While this practice, if caught, would cause a 501(c)(3) organization to lose its tax-exempt status, it is nearly impossible to detect these funding shifts.

There are also questions about the exact scope and limitations placed upon 501(c)(3), 501(c)(4)s, 527s and PACs. With the existence of the 501(c)(4) and the PAC, what is the point of the 527? With significant partisan campaign activity undertaken by 501(c)(4) and 527 groups which are regulated by the IRS, how do lawmakers control and police how much money is actually being spent on campaigns, when the FEC's role in regulating these organizations is often unclear?

Outlined below are several examples that highlight the complexity of the web of nonprofit organizations and their political activities.

LEAGUE OF CONSERVATION VOTERS

LCV represents itself as ''turning environmental values into national priorities.'' The organization's mission is ''to advocate for sound environmental policies and to elect pro-environmental candidates who will adopt and implement such policies.''

The LCV is registered as a 501(c)(4) organization, with affiliations to several other organizations: the League of Conservation Voters Education Fund, a 501(c)(3), which claims to refrain from campaign activities, and the LCV Accountability Project, another 501(c)(4) organization. These affiliates, referred to as a ''family of organizations,'' are committed to running ''tough and effective campaigns to defeat anti-environment candidates, and support those leaders who stand up for a clean, healthy future for America.'' The very purpose of LCV is to campaign against anti-environmental candidates, an action that a 501(c)(3) cannot engage in. LCV does, however, make the claim that the LCV Education Fund is a separate entity, committed ''to bring[ing] the environment to the center of the public's attention as an issue critical to good public policy and a healthy political system.''

In 2006, LCV had two 527 groups: the League of Conservation Voters—SSF, and the

League of Conservation Voters Inc. SSF—527 II. These 527 groups were fined by the FEC for violating the following three separate provisions: Failure to register with the FEC as a PAC, failure to report contributions and expenditures to the FEC, and knowingly accepting individual's donations in excess of $5,000. (The FEC found that more than $6 million of LCV's expenditures during 2004 violated the $5,000 individual maximum amount restriction.)

The LCV was fined a total of $180,000 by the FEC. According to an FEC press release, LCV received this fine for acting as a clear political committee and violating federal election law. The organization was required to disclose all current and future contributions and expenditures and register as a PAC should it engage in activities that qualified it as such. The Wall Street Journal highlighted these violations in an article published in December 2007. Following this incident, the LCV restructured its organization into a 501(c)(4), which allows the organization to run with fewer disclosure restrictions.

Every election cycle, the LCV lists ''the Dirty Dozen,'' a list of federal candidates for election or re-election whom the LCV deems as environmentally unfriendly. The first list was created in 1996, and contained four members of the Senate, and eight members of the House. That year, LCV spent $1.5 million ''sending two hundred and fifty-four pieces of persuasion mail to targeted voters [and] running nine thousand television and radio ads'' against the members of the ''Dirty Dozen'' which included eleven Republicans and one Democrat. The one Democrat listed on the ''Dirty Dozen'' regained his seat in the House that year while seven of the Republican candidates on the list were not re-elected.

In 1998, the ''Dirty Dozen'' list was comprised of eleven Republicans and two Democrats. That year, the LCV spent a total of $2.3 million on election campaigning, ''where our efforts could provide the winning margin of difference.'' The two Democrats on the list retained their seats and nine of the eleven Republicans on the list were defeated.

In 2000, the LCV spent more than $4 million, ''the largest expenditure in history,'' on the election. Their ''Dirty Dozen'' list focused on eleven Republicans and one Democrat. In that election cycle, seven of the Republicans on the list were defeated; the one Democrat kept his seat.

Again, in 2002, the ''Dirty Dozen'' list was comprised of eleven Republicans and one Democrat. LCV did not report how much it spent on the year's election cycle. Five Republicans on the list lost their seats while the one Democrat retained his seat.

Two years later, in 2004, the ''Dirty Dozen'' list contained twelve Republicans and one Democrat. LCV and its affiliates spent a total of $16 million during that year's elections targeting the 13 candidates. As in previous years, the one Democrat on the list retained his seat while four of the twelve Republicans were defeated. For the first time, in 2004, the LCV included a presidential administration on their list. The LCV endorsed Senator John Kerry (D-MA) for President.

In 2006, the LCV chose fifteen candidates for their ''Dirty Dozen'' list. The list was comprised of thirteen Republicans and two Democrats. While the two Democrats on the ''Dirty Dozen'' list retained their seats, nine Republicans lost their seats. During this election, the LCV asked viewers of their web site to choose one candidate for the ''Dirty Dozen'' list. The viewers chose Rep. Charles Taylor (R–NC) to join the ''Dirty Dozen'' list. Taylor lost his seat in 2006 to Heath Shuler (D–NC). The LCV and its affiliates used its extensive budget of $27 million on campaign activities.

At the time of this report, the LCV had yet to release a completed version of the 2008 ''Dirty Dozen'' list. However, it has released the names of nine individuals who will fill up the ranks of the completed list. Of those nine, there is one Democrat joining the ''Dirty Dozen.''

While there is no means of calculating or anticipating what LCV will spend this year, as their budget has grown every election cycle, they will most likely have at least the $27 million that they did in 2006.

For more than a decade, the LCV has produced its ''Dirty Dozen'' list, targeting select Congressional figures. The organization has operated under the guise of ''the independent political voice for the environment,'' since even before the publication of the ''Dirty Dozen''. To date, eighty-three names have been placed on the LCV's ''Dirty Dozen'', including seventy-four Republicans. By their bipartisan claims, it would be expected that LCV's support would be split evenly; however, almost 90 percent of LCV's recommendations have been to remove Republican candidates. The publishers of the ''Dirty Dozen'' have yet to name even a dozen Democrats to their list in the past twelve years. It has become increasingly apparent that the LCV has been allowed to participate in partisan politics while conveying the impression of objectivity. The organization, however still continues to make the claim that they don't support one political party over another.

NRDC

The Natural Resources Defense Council, Inc. is registered as a 501(c)(3) organization. Like the LCV ''family of organizations,'' it is also affiliated with a 501(c)(4) organization, the NRDC Action Fund, and a 527 organization, the Environmental Accountability Fund. By having at least one of each category of tax-exempt organizations, groups can essentially transfer wealth throughout their family of organizations and remain virtually undetected. In its 2006 tax filing, Natural Resources Defense Council, Inc. transferred $98,801 to NRDC Action Fund, and NRDC Action Fund transferred $124,500 to undisclosed ''other organizations'' that same year.

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From 2001 through 2005, the NRDC reported on the Bush Administration by creating the Bush Record. The Record categorized Bush's presidency as an administration that ''will cater to industries that put America's health and natural heritage at risk.'' The NRDC predicted that Bush would continue ''to undermine environmental enforcement and weaken key programs will be made.'' The organization gave up the effort and stopped tracking the Administration's moves after President Bush defeated Sen. Kerry in the 2004 election.

NRDC has also showed their party leanings in popular culture. In an episode of the HBO long-running comedy, Curb Your Enthusiasm, the NRDC was featured in connection with Senator Barbara Boxer (D-CA). The episode, which features Boxer as the event opener for the NRDC event, initially aired on September 16, 2007. Boxer currently serves as Chairman of the Senate Committee on Environment and Public Works.

At the time of this report, the NRDC had made no formal declaration of support for a presidential candidate.

SIERRA CLUB

The Sierra Club Foundation is a 501(c)(3) tax-exempt organization with an affiliated 501(c)(4) group, Sierra Club. There is also a 527 organization called the Sierra Club Voter Education Fund, which claims to be a ''separate segregated fund of the Sierra Club.'' The Sierra Club Foundation does not claim affiliation with this 527 organization, however the Sierra Club Voters Education Fund ''does not have its own Board of directors, officers or trustees.'' In 2006, the Sierra Club 501(c) organizations brought in more than $110 million and spent nearly $104 million; the Sierra Club Voter Education Fund only brought in $60,000, but managed to spend nearly $1 million.

The Sierra Club Voter Education Fund has a history of receiving support from its ''unaffiliated and unpartisan company'' of the same name and address. During 2002, the Sierra Club Voter Education Fund reported total contributions of slightly more than $3 million. During that calendar year, the Voter Education Fund reported received $2.25 million, the vast majority of their total revenue, in contributions from the Sierra Club.

It's not hard to understand why the Sierra Club's web of affiliations, or ''non-affiliations,'' becomes so intertwined. A brief glimpse at the activities of Carl Pope, Sierra Club's executive director, shows a tangle even more convoluted than the organization that he spearheads. In the past five years, Carl Pope has played a major role in the following organizations: Sierra Club; California League of Conservation Voters, executive director; Public Voice; California Common Cause; Zero Population Growth, now Population Connection, political director; America Coming Together, founding member and treasurer; America Votes; American Rights at Work; and America's Families United. In addition to Pope's extensive organizational involvement, he also co-authored a book, ''Strategic Ignorance: Why the Bush Administration Is Recklessly Destroying a Century of Environmental Progress.'' The Sierra Club continues to maintain that it is an independent organization whose mission is solely ''to receive, administer, and disburse funds donated for tax-exempt, charitable, scientific, literary, and educational purposes.''

The Sierra Club has a history of endorsing candidates for political office. Currently, the Sierra Club has announced that it will support Senator Obama's (D–IL) presidential bid. While there is no reported activity yet from the organization, Sierra Club has been historically known to run television and radio advertisements both supporting their candidate and criticizing the opposition. Additionally, at the time of this report, Sierra Club announced its support of thirteen candidates for seats in the United States Senate. Of those thirteen candidates, none are Republicans. The organization has also announced its endorsement of one hundred and fifty-six candidates to the United State House of Representatives. Of the candidates, four are Republicans. Essentially, ninety-eight percent of Sierra Club's endorsements favor Democrat candidates.

GREENPEACE

Greenpeace USA presents itself as ''an independent campaigning organization that uses peaceful protest and creative communication to expose global environmental problems.'' With two hundred fifty thousand members in the United States (and 2.5 million worldwide) Greenpeace is represented by Greenpeace, Inc., a 501(c)(4) organization, and Greenpeace Fund, Inc., a 501(c)(3) organization. Through those organizations, Greenpeace reported that it had raised $11.5 million in 2006; its 501(c)(3) and (c)(4) collectively reported contributions of $26 million

for their 2006 tax filings (which extend past the 2006 year).

Greenpeace, like other environmental activist organizations has strong ties to other politically oriented groups. The chairman of the Board of Directors, Donald Ross, is involved in multiple organizations, including the LCV, where he is a board member. Ross is also the founder of M+R, a campaign strategy firm whose clients include, among others: Environmental Defense Fund, LCV, and the Democratic Congressional Campaign Committee. Greenpeace is also a client of Earthjustice, the legal entity which represents the Sierra Club, NRDC and Environmental Defense Fund. Additionally, Greenpeace remains officially affiliated with the Partnership Project, whose members also include Sierra Club, Environmental Defense Fund, NRDC and LCV. While Greenpeace may not make a Dirty Dozen list, or endorse hundreds of Democratic candidates, it is affiliated and supports the organizations that do. Furthermore, it represents those affiliations to the rest of the world.

ENVIRONMENTAL DEFENSE FUND

Environmental Defense Fund (EDF) describes itself as an organization that ''is dedicated to protecting the environmental rights of all people'' by using a scientific approach that is ''nonpartisan, cost-effective and fair.'' Environmental Defense Fund is represented by its family of organizations, Environmental Defense, Inc., a 501(c)(3) organization, and Environmental Defense Action Fund, Inc., a 501(c)(4) organization.

EDF is also intimately connected with other environmental and political organizations. Frank E. Loy, Environmental Defense Fund's chairman of the board, served as Clinton's Under Secretary of State for Global Affairs. Until 2006, Teresa Heinz, wife of Sen. John Kerry (D-MA), served on the board of trustees for EDF. Heinz is also the current chairman of Heinz Endowments, a part of the Heinz Family Foundation, one of the nation's twenty-five largest charitable foundations. This report will discuss the Heinz Foundation's activities in more detail later. Current EDF trustee George Woodwell also serves on the board of the NRDC.

Additionally, the trustees of EDF are connected with partisan activities. Trustee Frank Loy currently serves as one of Senator Obama's ''top environmental advisers'' for the 2008 Presidential Campaign. This past year, trustee Douglas Shorenstein donated $272,100 to Democratic political objectives, including the Hillary Clinton and Al Franken campaigns. Trustee Joanne Woodward, wife of noted Hollywood star Paul Newman, donated significantly to both the Clinton and Obama campaigns.

EDF reported raising $71.8 million for the 2006 calendar year, and reported receiving contributions totaling more than $94 million during the 2006 IRS filing period (which extends beyond the 2006 calendar year). Of that amount, the organization spent $18.9 million to promote their stance on climate change issues, and $19.5 collectively on land and ocean environmental issues.

FOUNDATIONS

All of the above groups receive a significant amount of their funds from foundations that regularly give to groups with allied interests. Note that each foundation and charity mentioned is also organized as a 501(c)(3) and is not able to engage in campaign activities. These foundations, however, do not have to make meaningful disclosures about the purpose of their donations and grants or what happens to the money after it is donated. Therefore, tracking such funds is impossible. Many times these foundations donate significant funds to other foundations who in turn donate significantly to environmental groups. The Tides Foundation has a history of making donations and grants to every environmental group mentioned in this report. While neither the Pew Charitable Trust nor the Heinz family of foundations has given directly to all five mentioned groups, they have donated millions to Tides, creating an interlocking system of money-changing, with no transparency.

The following are a few of the foundations that regularly give to environmental activist, ''nonpartisan,'' groups such as those mentioned above.

Pew Charitable Trusts

Made up of seven different charities, the Pew Charitable Trusts claims that it is an ''independent nonprofit'' that ''applies a rigorous, analytical approach to improve public policy, inform the public and stimulate civic life.'' In 2004, Pew made the switch from a private foundation to a public charity in order to provide the organization more flexibility and range in their efforts. The switch to a public charity gives Pew the ability to lobby on the federal and state level, and combine certain resources required to be separate when Pew was operating as a private foundation.

The switch to public charity also allows the organization to spend the money generated on issues and in sectors not originally intended by its founders. According to a 2004 Wall Street Journal article, the foundation was set up ''to disburse money to charities and research that the founders believed reflected their values and priorities,'' not to venture into the whims of the current directors.

The change in Pew's status allows the organization to pursue more partisan activities than it had undertaken previously. The Wall Street Journal article highlighted that Pew, because of its status shift, would now be able to spend five percent of its budget on lobbying efforts, funding ''a lot of K Street lunches.'' With a $4 billion budget, that means that Pew can spend $200 million in lobbying. This means that ''Pew's shift promises to have a seismic impact on the foundation and political worlds.''

Since the shift, Pew has given a substantial amount of money to environmental activist groups directly, and through other private funds that finance those groups. Pew contributed $431,000 to EDF; $900,000 to NRDC; and $700,000 to the Partnership Project, which is a joint venture of the nation's leading environmental groups. The Partnership Project's membership includes such names as LCV, EDF, NRDC, Greenpeace, and Sierra Club. Additionally, Pew gave more than $7 million to the Tides Foundation. During that time, the Tides Foundation contributed a collective $1.8 million to the following organizations: EDF, LCV, Greenpeace, NRDC, and Sierra Club.

Heinz Foundations

Based in Pittsburgh, the Heinz family of foundations is made up of several different foundations. Two of the major organizations within this empire are the Heinz Endowments, and the Heinz Family Philanthropies (hereinafter collectively referred to as ''Heinz''). In 2006, the Heinz Endowments combined the Howard Heinz Endowment and the Vira I. Heinz Endowment, two of the Heinz foundations more major funds, with a common purpose ''to develop solutions that are national in scope.'' The Heinz Family Philanthropies are made up of three funds: The Teresa and H. John Heinz III Foundation, the H. John Heinz III Foundation, and the Heinz Family Foundation. The Philanthropies focus on three key issues: healthcare and the elderly, environment concerns, and advancing female opportunities in the workplace.

At the center of the Heinz empire is Teresa Heinz. She is the current chairman of both the Heinz Endowments and the Heinz Family Philanthropies. As previously stated, Ms. Heinz, wife of Sen. John Kerry (D–MA), is known for her environmental and political activities. When her husband ran for President in 2004, the LCV publicly endorsed him—the earliest the organization had ever endorsed a Presidential candidate. LCV had previously received more than $57,000 from Heinz donations, but made the assertion that the money had no effect on their endorsement. Ms. Heinz oversees more than $1.5 billion of Heinz foundation resources.

Heinz, like Pew, has a history of giving both to environmental organizations individually, as well as to other funds and private foundations that also donate significant sums to environmental activists. Last year alone, Heinz gave $160,000 to NRDC directly. Since 2002, Heinz has given a total of $740,000 to EDF, LCV, and NRDC specifically. Over the past five years, Heinz has also given $3.8 million to Tides. Tides, as previously stated, has donated significantly to all five of the mentioned environmental organizations, and receives a bulk of their funds from foundations such as Heinz.

Turner Foundation

Founded in 1990 by Ted Turner, the Turner Foundation is a self-proclaimed ''private, independent family foundation committed to preventing damage to the natural—water, air, and land—on which all life depends.'' Since 1991, the Turner Foundation has reported giving out $297.6 million in grants to organizations ''aimed at creating a better world.'' In its 2006 filing, the Turner Foundation raised more than $12 million and contributed more than $8.6 million in grants.

The Turner Foundation focuses its philanthropic efforts almost solely on environmental pursuits. In 2001, for instance, Ted Turner co-founded the ''Nuclear Threat Initiative,'' with former Democratic Senator Sam Nunn, to combat the growing nuclear threat. In addition, the Foundation has historically undertaken ''special projects'' which include the League of Conservation Voters Education Fund and the Partnership Project.

Since 2002, the Turner Foundation has contributed more than $2.9 million to the Partnership Project. The Turner Foundation also contributed significant sums to several of the mentioned members individually. Since 2002, the Turner Foundation has given more than $1 million to the NRDC; $778,875 to EDF; and $6.7 million to the LCV Education Fund.

CONCLUSION

This report by no means paints a complete picture of environmental activism and its political and financial ties to election politics. There are additional activities that the environmental groups mentioned participated in, and additional organizations that the foundations mentioned funded. Each of the groups cited, including the foundations, are represented by a 501(c)(3) organization. Under this structure, these organizations collect funds from individual donors by representing themselves as unbiased, objective, and nonpartisan. They are able to amass wealth because those funds are tax-deductible to their donors.

Each of these organizations has also, both individually and collectively, given numerous examples of their partisanship activities. The LCV is, by its very nature, a partisan organization. Additionally, its history has shown it to consistently favor Democratic candidates. It is closely followed by the Sierra Club, which is currently only giving two percent of its support to Republican candidates this year. The NRDC has gone on television showing its support for a Democratic

Senator. EDF has a board comprised of publicly-disclosed advisors and financial supporters to the Senator Barack Obama Presidential Campaign. Greenpeace, aside from being affiliated with all the above organizations, is chaired by a man who is directly associated with the Democratic Congressional Campaign Committee. Furthermore, all of these organizations are associated with each other through the Partnership Project, which has consistently supported the Democratic environmental platform.

In conclusion, as we turn to another election year, these environmental groups continue to campaign in much the same manner. With a presidential campaign in full swing, these organizations and foundations are likely to wield an even bigger sword than in years previous. Yet for all of the activities that take place, both those mentioned above and others, these groups remain unchecked. They continue to do business under the scope of charitable organizations. While it is not likely that their partisan habits are going to change, the public should see these nonprofits for what they are, and what they stand for.

Because of the complicated web of 501(c), 527, and PAC organizations, it is clear that individuals who donate to a 501(c)(3) organization intending to contribute to the cause of the organization, have no clear mechanism for verifying that their donation was used for the cause. Unsuspectingly, these donors may be contributing to partisan activities when they originally intended their donation to aide an environmental cause. Additionally, there is not sufficient oversight over these organizations to police their political and campaign activities.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, let me state my understanding of how we are going to proceed now. I believe, in the spirit of going back and forth, the Senator from Colorado has indicated he would agree that I can go ahead and speak for up to 10 minutes as in morning business; that he is going to be requesting 15 minutes to speak. At that time, if Senator FEINGOLD is here, I know he wanted to speak, too, and Senator BOND has been waiting and wants to speak.

I gather maybe I should do a unanimous consent at this point that I be allowed to speak for up to 10 minutes and then Senator ALLARD be allowed to speak for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, I ask unanimous consent that I be permitted to speak for 10 minutes after Senator ALLARD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico is recognized.

ENERGY

Mr. BINGAMAN. Mr. President, let me take a few minutes to discuss what we have been able to do with regard to energy policy in this Congress and discuss where I believe we are headed in the next Congress.

We began this Congress having passed, in mid-2005, the first comprehensive Energy Policy Act in 13 years.

Mr. President, could I be advised when 8 of my 10 minutes has been used?

The PRESIDING OFFICER. The Senator will be notified.

Mr. BINGAMAN. We passed the Energy Policy Act of 2005. That bill was about 5 years in the making. It only became law because the chairman of the Energy Committee at that time, Senator DOMENICI, took it upon himself to work constructively across the aisle with Democrats, myself and others, to put forward a bill both sides could embrace. In the first session of this Congress, we followed up with a new comprehensive energy bill, the Energy Independence and Security Act of 2007. That bill was also the result of a strong bipartisan effort.

President Bush helped by putting forth some important policy initiatives in his 2007 State of the Union speech, calling for more production of alternative transportation fuels and for higher fuel economy standards.

In the Senate Energy Committee, we were able to report a strong energy bill that formed the basis for Senate action with a large bipartisan majority. Other committees played a major role in different parts of that legislation as well.

After a long and difficult process with the House, we were able to come to closure on a financial piece of bipartisan legislation that the President signed in December of last year.

The Energy Policy Act of 2005 was a good piece of legislation. The Energy Independence and Security Act of 2007 was an even better piece of legislation. Throughout much of 2008, energy issues have been surrounded, unfortunately, by more partisan rancor as energy emerged as a key concern for voters as an issue on the campaign trial.

This is an important reason why, despite so much floor discussion of energy and energy-related topics, we do not have as much to show as a result of our efforts as I would like.

When energy issues become politicized along party lines, it is clear the Senate loses its ability to act in an effective way. I am pleased that in the past few weeks we have begun to find a bipartisan way forward on energy again. We have put together an energy tax incentive package that has won very broad bipartisan support in the Senate. It passed with a margin of 93 to 2.

The efforts of leadership, Senator REID in the Senate, Senator MCCONNELL, Senator BAUCUS, Senator GRASSLEY, and many others helped to put this legislative package together. Also, we have made some significant bipartisan progress on energy policy in the continuing resolution, which I believe is coming up for consideration in the Senate very soon.

The moratorium on offshore oil and gas exploration has been lifted for much of the Outer Continental Shelf. That is a development I support. We have also fully funded the direct loan program for retooling the auto industry, permitting up to $25 billion in loans to be made to help move our transportation sector into a cleaner and more energy-efficient future.

This is important to our future national economic security. I hope all these accomplishments make it across the finish line and actually become law in the next few days. If they do, they will help set the stage for what I believe to be a reemergence of bipartisanship on energy after the election is behind us and as we reconvene this next year as the 111th Congress.

I wish to make clear this morning my intention to push early and hard in the new Congress to renew our commitment to an effective, bipartisan, and comprehensive approach to energy policy. Despite the successes we have had in this Congress, and in the past, there is a great deal of work that remains to be done in order to secure our energy future, an energy future that is adequate and affordable and clean.

Let me talk about a few of the energy challenges we face in the next Congress and that I hope to work on with my colleagues both on the Democratic and Republican side. We have a real need to work on the deployment of new energy technologies of all kinds, particularly with the growing concern about global warming.

We need to make sure we are developing and putting in place a new generation of clean, low-carbon energy technologies. These technologies include renewable energy, and carbon capture, transportation and storage and other low-carbon technologies relevant to the nuclear power industry.

There is a global clean-tech revolution we can either lead in or we can miss out on. I believe we need to make the investments here in the United States to be leaders in this revolution.

Along with new clean energy technologies, we will need a modernized energy infrastructure to make sure clean energy can be transported or transmitted from wherever it is generated to wherever it is needed. Without a major new focus on putting in place a 21st century energy infrastructure, we will not be able to make the progress we need to make to secure our energy security goals and our climate security goals.

Along with new sources of energy, we need to make much more progress on using energy wisely and efficiently. A major focus of our effort needs to be made in the transportation sector. Many in the Senate have talked about the need for another Manhattan Project or another Apollo Project.

While I recognize that a different committee, the Committee on Commerce and Science and Transportation, is largely responsible for regulatory standards on fuel economy, there is a great deal our committee, the Energy and Natural Resources Committee, can do to make sure we have the right technology push for advanced vehicles. I see that as a focus of our work in the next Congress as well.

We need to do more to improve energy usage in manufacturing, buildings

and commercial equipment and appliances. Our investments in these areas have been totally inadequate over the past decade. Our investments in new energy technologies and innovation, new energy science and engineering, on training the next generation of energy researchers and technicians have been inadequate.

Finally, we need to include the functioning of our Federal agencies and programs related to energy across the board. We need to develop real strengths in the Federal Government in terms of working with entrepreneurs and industry and markets in commercializing new energy technologies.

One other area we obviously need to put a focus on is the area of the recent scandals in the Minerals Management Service. This indicates that a thorough examination is needed as to how that agency currently functions, how its programs can be reformed so the taxpayers get the value they deserve from the Federal oil and gas resources.

The PRESIDING OFFICER (Mr. TESTER). The Senator has used 8 minutes.

Mr. BINGAMAN. I appreciate that notification. My colleague from Alaska, the very valued senior member of our committee, Senator MURKOWSKI, is here and wanted to make a few comments about our plans for the upcoming Congress.

I very much welcome her strong support for a bipartisanship effort, and I yield the balance of my 10 minutes to her.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Ms. MURKOWSKI. Mr. President, I am pleased to be here to follow up on the comments from the chairman of the Energy Committee.

As one of the senior members on the committee, I have had an opportunity to work with him and Ranking Member DOMENICI on many of the issues he has talked about, as we have tried to advance energy policies for the country. One of the things we recognize on the committee historically is there has been a very good, strong, bipartisan relationship, working together to advance policy goals. The point has been made that perhaps politics has intervened as we have tried to advance some policies of late. I would like to think that as we begin a new Congress next year, with the initiative before us that this country needs and deserves a good, comprehensive energy policy that works for the Nation, that gets us to a point that allows for a level of energy security for us, that we will do so in a way that is cooperative, collaborative, and that allows us to move the technologies and advance the infrastructure that is necessary, that allows us to have policies in place that not only provide for increased domestic production but renewables and alternatives, with a focus on conservation—truly an energy policy that works. I look forward to working with the chairman in advancing these goals.

I thank the Chair.

Mr. FEINGOLD. I ask unanimous consent that after the remarks of Senator ALLARD and Senator BOND, I be recognized for 30 minutes.

Mr. ALLARD. Mr. President, I object. Senator BOND had already asked for time.

Mr. FEINGOLD. I said after Senator ALLARD and Senator BOND.

Mr. ALLARD. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado is recognized for 15 minutes.

Mr. ALLARD. Mr. President, I thank the Senator from New Mexico, Mr. BINGAMAN, for his leadership on energy, and also the Senator from Alaska, Ms. MURKOWSKI, for her leadership, as well as Republican Senator PETE DOMENICI for his very strong leadership on energy over the last number of years. This is an issue that is extremely important to the country. I rise to talk about energy policy and some of the thoughts I have been talking about since coming to the Senate. It is important that we get the solution right.

I fully support what the Senator from New Mexico talked about, the three goals he outlined for the next Congress. I will not be here. I am retiring voluntarily. But I do support those goals. I hope we continue to follow through with those goals; that is, an adequate supply of energy, affordable, and that we have a clean source of energy to begin to address some of our environmental problems.

When I first came to the Senate from the House of Representatives, I had been a member of the renewable energy caucus. I came over to the Senate and discovered that we did not have a renewable energy caucus to support the staff and Members of this body. I began the process of establishing a renewable energy caucus because I had come to realize that not only was a balanced energy policy good for the State of Colorado but also for the Nation.

In the State of Colorado, we have the Renewable Energy Laboratory, which was focusing on new technology, whose main effort was to move that technology—not only to discover it but also to move it to market. That is an important step that happens so often in the research world. Nobody looks at the practical aspect of moving scientific discoveries into a market that will really serve the people.

This is a fabulous agency we have, a research agency in Colorado. It naturally came on my shoulders to begin to organize the Senate renewable energy caucus. We did this in a bipartisan manner. We were able to get leadership from the Democratic Party to join me. As cochairmen, we promoted the Senate renewable energy caucus. Over the years, the membership built up. Our programs got stronger with the support of renewable energy labs as well as support from renewable energy industries and businesses throughout the country.

As time went on, we had a change in administration from President Clinton over to President Bush. At the time, he was very strongly in favor of the oil and gas industry and perhaps did not appreciate what was going to be brought to the table with renewable energy. I had to spend some time trying to convince this Republican administration that it needed to appreciate a little more what renewable energy technology was going to bring to this country, now and in the future.

When first coming to the Senate, I always believed we needed to eventually get to a renewable energy economy, but we needed to do it in a way that wouldn't destroy the economy. In other words, initially we had to support new energy development—whether it was in hydrocarbons or other sources of energy, whether it was nuclear, whether it was coal, whatever—but we could not afford to take anything off the table because we had to establish a bridge between older technology built on hydrocarbons, an economy built on that, and build that into sort of the new stage of energy independence. This is not something I was trying to think about in the last year or two when we had the energy crisis, but something I have been working on since coming to the Senate, thinking that we needed to have that balance, that it was important for us to move forward.

Eventually, the Bush administration became very supportive of renewable energy. I am delighted to have them understand the importance of renewable energy and what needs to be done as far as nuclear power.

On nuclear power, by the way, we have lost our infrastructure. A lot of technicians who know how to operate nuclear powerplants, we have lost, and we have exported our technology to France and England. I have gone to those facilities and visited with them. They have been supporting nuclear power, which allowed them to sign on to treaties like the Kyoto Treaty which we did not pass in this Congress by a very large margin because we understood that this country was not ready to move forward yet. We understood at that time that we were exempting big polluters in the world such as China and India.

We need to get ready because we need to be prepared to compete in a world where the source of energy is going to be changing.

I continued to press for oil and gas development, which is important to the economy of Colorado. It was important to the economy of this country when I first came here, and it remains so. It is with interest that I looked at the public employees' retirement accounts in the State of Colorado. These are State employees. It is a retirement plan with growth built on the stock market. A large percentage of their investments today are in oil and gas. So if we walk away from oil and gas development in the State of Colorado, we would severely impact the retirement incomes of many of our State employees.

We need to keep in mind how important oil and gas still is to the economy

and to retirement benefits. There are mandates in States such as Colorado that say you have to invest those dollars in those areas where you can get a good return. So by law in the State of Colorado, they have to invest in oil and gas companies because they have a good, safe return. That is probably going to be there for some time.

Clean coal, obviously, in Colorado and in the country remains important. Clean coal in Colorado is used to dilute the softer coals so that mainly communities on the eastern seaboard can meet their air pollution requirements. We still have a need for that very inexpensive source of energy, and we should not ignore it.

There are proposals to convert oil to liquids, which is extremely important from a national defense standpoint. I know the Defense Department is looking at this kind of technology so they can have a reserve available in times of war or if, for some reason or other, this country's reserve should be disrupted, pretty much like the naval oil reserve we used to have in Colorado, which is now referred to as the Roan Plateau, where much of our oil shale is today.

Natural gas remains important. Again, we are giving in to the lower carbons which burn very cleanly. Colorado State University, which I attended, is doing some remarkable research where they are growing algae now that will grow and develop a diesel fuel. It is a biofuel. We have a company in Berthoud, CO, to the south of where I live that has taken the grease from restaurants and converted it to a diesel fuel. This not only helps us get rid of a very problematic sort of discharge that we have from restaurants, but it converts it into fuel. The exciting thing about this company is they can operate without subsidies. To me, that is really exciting. I hope we can continue to get more companies of this nature to begin to work without having to lean on the Government for the subsidies.

We are all familiar with ethanol and how that has developed over time. There is a lot that can be done. We have talked about hydrocarbons.

There is a lot that can be done in renewables. I see that development happening in the State of Colorado.

We have communities that are using geothermal energy. This is where they run pipes down into the ground. It provides either cooling and/or heating into a building structure. It takes a certain type of geology for that technology to work, but there are many areas in this country where that can work. The environmental community doesn't like to talk about hydroelectric power, but it is a renewable energy, and it is something we should not forget. There are times when it is very applicable to use hydroelectric power.

We have a large wind area in the Midwest involving Texas and Colorado and Wyoming and Montana, parts of Nebraska, Utah, Nevada. These areas are being looked at for wind technology. We have been hearing about it throughout these debates.

Solar and hydrogen are two things that work well.

Obviously, we have legislation dealing with conservation and battery technology. Senator BINGAMAN talked about the Energy bill of 2005. We promoted all this to happen in that Energy bill.

I was extremely disappointed when last year's appropriations bill had a rider in it that prevented us from developing Outer Continental Shelf oil resources as well as oil shale in the State of Colorado. Oil shale in Colorado is one of the largest potential reserves we have of hydrocarbon fuel in the world. It is larger than all the known reserves in Saudi Arabia. We should not mark that off. When we start disregarding sources of energy, we run the potential of breaking down that bridge that we need from traditional fuels to where we need to be in the future with renewable sources.

Each year, we send over $700 billion overseas for fuel. Much of this money goes to nations that are on less than friendly terms with the United States. For both economic and national security reasons, achieving energy independence should be one of our top priorities.

Yesterday, the House of Representatives took a step in the right direction by approving legislation which would repeal the moratorium on offshore drilling and on issuing oil shale regulations. This is an important step that Republicans in the House and Senate have been championing. Lifting the moratorium on the Outer Continental Shelf will allow access to an estimated 18 billion barrels of oil and 76 trillion cubic feet of natural gas. Lifting the moratorium on oil shale regulations moves us one step closer to being able to access an estimated 800 billion barrels of potentially recoverable oil. That is more than the proven reserves, as I mentioned earlier, of Saudi Arabia. It is one of the largest reserves in the world.

Taking these steps to increase our energy supply could not come at a better time. Families across America are struggling with high fuel prices. The cooler temperatures of fall are also making folks worry about how the cost of home heating fuel is going to affect their ability to make it through the winter.

As the Senate takes up the continuing resolution that was worked on by the House yesterday, I am hopeful my colleagues will consider this. I am not saying drilling is the only answer to our energy needs. As a founder and cochair of the Senate renewable energy caucus, I know the importance of using renewable energy. I was pleased the Senate passed legislation yesterday that extended many important renewable energy tax incentives.

I am a strong supporter of renewable energy, but we are not at a point yet where renewable energy can meet all our energy needs. We still need fossil fuels, which is why I support removing the Outer Continental Shelf and oil shale moratoriums. With millions of Americans struggling with high fuel prices, it is imperative that the Senate pass a continuing resolution that does not contain these misguided moratoria.

So I ask my colleagues to join me in working for a balanced energy policy for this country that will not only help mean a more secure America from a military aspect but also a more secure America from an economic aspect. I urge my colleagues to join me in that effort in the closing days of this session.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, while he is on the floor, I commend and thank the Senator from Colorado, Mr. ALLARD, for the great work he has done on housing. I commend him also for his great leadership on all aspects of energy. I join with him in recognizing the great contributions of Chairman BINGAMAN, Senator MURKOWSKI, and, of course, Senator DOMENICI. We will miss his guidance and his leadership. But he has made a great contribution, and we are most appreciative.

Mr. ALLARD. Mr. President, I thank the Senator from Missouri for his comments and recognize his leadership, particularly on housing issues, and I think he has some great ideas he is bringing forward.

FINANCIAL CRISIS

Mr. BOND. Mr. President, America is facing a financial crisis, and last night the President made the case for immediate action. It is critical we act now to protect jobs in Missouri and throughout the Nation. It is critical we act now to keep families' checking and college savings accounts safe. It is critical we act now to preserve seniors' retirements. It is critical we act now and eliminate this very real threat to our economy. If we do not solve this crisis, families will not be able to get home or car loans, employers will not get the day-to-day operating funds they need to meet payroll, the possibility of new jobs will grind to a halt as spending and investment stops.

To fail to act is not an option. We must act now, but we must act responsibly. Any rescue plan Congress approves to stabilize our financial system must also increase accountability so we do not reward those who put us in this situation. Any rescue plan Congress approves must increase oversight so taxpayer dollars are protected and mistakes are not repeated. And any rescue plan Congress approves must increase transparency so Americans can know their money is safe.

I have heard from folks in my home State of Missouri, and they want their Government to act now to keep this crisis from spreading from Wall Street to Main Street. But the folks in Missouri also want to know what their

Government is going to do to protect their tax dollars.

I have heard from hundreds of Missourians, probably thousands, now calling my office in DC, and in St. Louis, Kansas City, Cape Girardeau, Columbia, Springfield, and Jefferson City. All of these people want accountability.

They want to know their tax dollars are not going to be used to bail out irresponsible executives who got us into this mess to begin with. These Missourians know that when they lose a lot of money at their jobs, they lose their jobs and they do not get bonuses for doing it, which is why from the start I have been calling on the administration to eliminate golden parachutes—no tax dollars for fat severance packages for failed executives. I was glad to hear last night the President state he now agrees. This is an important step in crafting a responsible plan.

I have also stressed that there must be independent oversight of how the Treasury handles the credit we extend. I will not agree to hand over a blank check. I was pleased that the President now agrees there must be oversight. That is another important step in crafting a responsible plan. We also need to get taxpayer equity in participating firms. Taxpayers should get something for their money.

Accountability and oversight, protecting taxpayer dollars—these are Main Street values. These are values that were absent on Wall Street when excessive greed and abuse of regulatory loopholes led to this crisis. These are also values that were absent when investors entered into investments they did not understand and some private citizens took on debt they could not afford.

We must restore the Main Street values in Government, on Wall Street, and in our private lives. We must also restore bipartisanship. I have come to the floor a number of times to urge my colleagues to work together across the aisle to solve this crisis for our Nation. Now is not the time for partisan finger-pointing or partisan games. I have been disappointed to hear many speeches on the floor, with political talking points and in the press. Now is the time for quick and responsible bipartisan action that will stabilize our economy, protect taxpayers, restore accountability, and increase oversight to prevent another emergency in the future.

While it is critical that we act now to address the financial crisis, we also must look to long-term reforms to prevent another crisis in the future. I have long been an advocate for stronger oversight of Fannie Mae and Freddie Mac and a critic of those who were moving too slow to impose reforms of Fannie and Freddie. I have said there must be more effective oversight of GSEs.

But there is also another problem we need to address. I mentioned that along with other things in the remarks I made last week, saying what changes need to be made by legislation and by administrative action and regulatory action.

(The remarks of Mr. BOND pertaining to the introduction of S. 3581 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. BOND. Mr. President, I thank the Presiding Officer, and I appreciate the forbearance of my colleague from Wisconsin.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I thank the Senator from Missouri.

RESTORING THE RULE OF LAW

Mr. FEINGOLD. Mr. President, last week we celebrated the 221st anniversary of the day in 1787 when 39 members of the Constitutional Convention signed the Constitution in Philadelphia. It is a sad fact, as we consider that anniversary, that for the past 7½ years, and especially since 9/11, the Bush administration has treated the Constitution and the rule of law with a disrespect never before seen in the history of this country.

By now, the public can be excused for being almost numb to new revelations of Government wrongdoing and overreaching. The catalog is really breathtaking, even when immensely complicated and far-reaching programs and events are reduced to simple catch phrases: torture, Guantanamo, ignoring the Geneva Conventions, warrantless wiretapping, data mining, destruction of e-mails, U.S. attorney firings, stonewalling of congressional oversight, abuse of the state secrets doctrine and executive privilege, secret abrogation of Executive orders, signing statements.

This is a shameful legacy that will haunt our country for years to come. That is why I believe so strongly that the next President of the United States—whoever that may be—must pledge his commitment to restoring the rule of law in this country and then take the necessary steps to demonstrate that commitment. That is why, also, I held a hearing last week in the Constitution Subcommittee of the Senate Judiciary Committee asking a range of legal and historical experts exactly what the new President and the new Congress must do to repair the damage done by the current administration to the rule of law.

There can be no dispute that the rule of law is central to our democracy and our system of government. But what does ''the rule of law'' really mean? Well, as Thomas Paine said, in 1776:

> In America, the law is king.

That, of course, was a truly revolutionary concept at a time when, in many places, the kings were the law. But more then 200 years later, we still must struggle to fulfill Paine's simply stated vision. It is not always easy, nor is it something that, once done, need not be carefully maintained.

Justice Frankfurter wrote that law:

> . . . .is an enveloping and permeating habituation of behavior, reflecting the counsels of reason on the part of those entrusted with power in reconciling the pressures of conflicting interests. Once we conceive ''the rule of law'' as embracing the whole range of presuppositions on which government is conducted . . . , the relevant question is not, has it been achieved, but, is it conscientiously and systematically pursued.

The post-September 11 period is not, of course, the first time that the checks and balances of our system of government have been placed under great strain. As Berkeley law professors Daniel Farber and Anne Joseph O'Connell wrote in testimony submitted for the hearing on this topic:

> The greatest constitutional crisis in our history came with the Civil War, which tested the nature of the Union, the scope of presidential power, and the extent of liberty that can survive in war time.

But as legal scholar Louis Fisher of the Library of Congress described in his testimony, President Lincoln pursued a much different approach than our current President when he believed he needed to act in an extra-constitutional manner to save the Union. He acted openly, and sought Congress's participation and ultimately approval of his actions.

According to Dr. Fisher, Lincoln took actions we are all familiar with, including withdrawing funds from the Treasury without an appropriation, calling up the troops, placing a blockade on the South, and suspending the writ of habeas corpus. In ordering those actions, Lincoln never claimed to be acting legally or constitutionally and never argued that Article II somehow allowed him to do what he did. Instead, Lincoln admitted to exceeding the constitutional boundaries of his office and therefore needed the sanction of Congress. . . . He recognized that the superior lawmaking body was Congress, not the President.

Now, of course, each era brings its own challenges to the conscientious and systematic pursuit of the rule of law. How the leaders of our government respond to those challenges at the time they occur is, of course, critical. But recognizing that leaders do not always perform perfectly, that not every President is an Abraham Lincoln, the years that follow a crisis are perhaps even more important. As Yale Law School Dean Harold Koh testified at the hearing:

> As difficult as the last 7 years have been, they loom far less important in the grand scheme of things than the next 8, which will determine whether the pendulum of U.S. policy swings back from the extreme place to which it has been pushed, or stays stuck in a 'new normal' position under which our policies toward national security, law, and human rights remain wholly subsumed by the 'War on Terror.'

I could not agree more.

So the obvious question is: Where do we go from here? One of the most important things that the next President must do, whoever he may be, is take concrete steps to restore the rule of

law in this country. He must make sure that the excesses of this administration don't become so ingrained in our system that they change the very notion of what the law is. And he must recognize that we can protect our national security—in fact, we can do it more effectively—without trampling on the rights of the American people or the rule of law.

That, of course, is much easier said than done. But there is one immediate step that, while it may be viewed as symbolic, is critically important for the next President to take: stating clearly and unequivocally in the inaugural address that he renounces the current administration's abuses of executive power and that his administration will uphold the rule of law. To be sure, this isn't the only subject the new president should address, but it is among the most urgent. Where he stands on executive power goes beyond policy and politics and speaks to his respect for the Constitution itself. And a willingness to raise this issue in the inaugural address will send a message, loud and clear, to the American public, to Congress and to every level of government that the days of lawlessness and excess are over.

Thomas Jefferson said this in his first inaugural address:

> The essential principles of our Government form the bright constellation which has gone before us and guided our steps through an age of revolution and reformation . . . [S]hould we wander from them in moments of error or of alarm, let us hasten to retrace our steps and to regain the road which alone leads to peace, liberty and safety.

I hope our next President will echo that sentiment in his inaugural address. Indeed, demonstrating that commitment on day one will go a long way toward reinstating what Ohio State University Law Professor Peter Shane called a ''rule of law culture'' in government. As he explained in his hearing testimony:

> The written documents of law have to be buttressed by a set of norms, conventional expectations, and routine behaviors that lead officials to behave as if they are accountable to the public interest and to legitimate sources of legal and political authority at all times, even when the written rules are ambiguous and even when they could probably get away with merely self-serving behavior.

This cuts to the core of the problem that the next President will face: After 8 years of disregard for the rule of law at the highest level of government, how can we instill new norms and expectations throughout the Federal Government? Stating that commitment in the inaugural address will go a long way in that direction.

But it is not only a matter of a new President saying: Ok, I won't do that anymore. This President's transgressions are so deep and the damage to our system of government so extensive that a concerted effort from the executive and legislative branches will be needed. And that means the new President will, in some respects, have to go against his institutional interests—a challenge that we cannot underestimate.

That is why I called the hearing last week on this topic—to hear from legal and historical experts on how the next President should go about tackling the wreckage that this President will leave behind. I asked witnesses to be forward-looking—not to simply review what has gone wrong in the past 7 or 8 years, but to address very specifically what needs to be set right starting next year and how to go about doing it. In addition to the testimony of the witnesses at the hearing, I solicited written testimony from advocates, law professors, historians and other experts. I was pleased that we received nearly 30 written submissions from a host of national groups and distinguished individuals.

At the hearing, we heard testimony from one of the foremost legal scholars in the country about just how far outside mainstream legal thought the current administration went. We heard comparisons to the events leading up to the Church Committee's investigation in the 1970s, from the man who served as chief counsel to that committee. We heard from a former Republican Member of Congress about Congress's failure to assert itself as a coequal branch of government. We heard from the former head of the Justice Department's office of legal counsel about the perversion of the law that was allowed to occur in that important office. We heard from a former White House chief of staff about the dangers of the excessive executive secrecy that permeated the government under this administration. We heard from a leading national security lawyer about the harm that post–9/11 domestic surveillance policies have done to our national security. And we heard from the head of one of the leading human rights organizations about the damage our interrogation and detention policies have done to our reputation abroad.

But most importantly, we heard from every one of these individuals their specific prescriptions for moving beyond these mistakes—for taking the steps that are necessary to restore our core American principles.

Indeed, between the hearing witnesses and the written testimony that was submitted, the subcommittee received an enormous number of recommendations, including many provocative and important ideas. They range from the general to the very specific, and they cover a variety of subject matters, from government secrecy to detention and interrogation policy to surveillance to separation of powers. I am very pleased that so many experts took the time to offer these proposals.

Let me take a few minutes today to share some examples of the kinds of recommendations that the witnesses provided, both those who testified at the hearing and those who submitted written testimony. Several suggestions reinforce my belief that the new administration must set a clear tone of adherence to the rule of law from the start. Mark Agrast of the Center for American Progress Action Fund suggests that the President should convene a White House conference on the rule of law, and pledge to work with Congress to give priority to measures to restore public confidence in the rule of law. Former Solicitor General Walter Dellinger argues that:

> [T]he next President should . . . affirmatively adopt a view of presidential power that recognizes the roles and authorities of all three co-equal branches and that takes account of settled judicial precedent.

Many of our witnesses are concerned about the impact of the last 8 years on the separation of powers, and specifically about Congress's failure to stand up to the president as he asserted more and more unconstrained power. Several strongly suggest oversight and investigative hearings to determine what exactly happened. Frederick Schwarz of the Brennan Center suggests an independent, bipartisan, investigatory commission to assess what has gone wrong and what has gone right with the Nation's policies concerning terrorism. Such a commission would allow the public to get the full story of the abuses of the Bush administration, providing accountability and a mechanism for developing protections against future abuse that can be implemented by the executive and legislative branches. The ACLU suggests more narrowly focused oversight hearings in Congress to reveal illegal or improper executive branch activity, and argues that Congress must deny funding for programs it believes are abusive or illegal.

Former Congressman Mickey Edwards, a Republican from Oklahoma, also argues that Congress must use the power of the purse to assert its will in interbranch disagreements. He believes that Congress should aggressively utilize its subpoena power to get the information it needs. Being able to enforce congressional subpoenas, of course, is an important component of oversight, and several witnesses had suggestions on that topic. Common Cause believes that the next president should issue an Executive order mandating Federal agencies' complete cooperation with congressional investigations. University of Pennsylvania Law Professor Seth Kreimer argues that officials who ignored legitimate congressional subpoenas should be prosecuted. The Center for Responsibility and Ethics in Washington suggests that Congress enact legislation granting jurisdiction to the Federal courts over cases seeking enforcement of congressional subpoenas. And Bruce Fein, a former Reagan administration official, believes a special three-judge court should be created that could appoint an independent counsel to enforce contempt findings against the executive branch since the Department of Justice refused to enforce congressional subpoenas during this administration.

Many of the suggestions from our witnesses focus on the decisionmaking of our national security agencies. Stephen Aftergood of the Federation of American Scientists suggests enhancing oversight of intelligence agencies by using cleared auditors from the GAO. And Mark Agrast advocates establishing a national security law committee within the National Security Council to make decisions on legal issues related to national security.

A crucial part of restoring the rule of law in the next administration will be rebuilding the reputation of the office of legal counsel. Walter Dellinger, joined by a prestigious group of former OLC attorneys, provided detailed testimony on how that can be done. The incoming attorney general should pay very close heed to this advice.

Another issue that almost every person or group mentioned in their submissions is the problem of excessive government secrecy. This problem permeates all of the other rule of law issues discussed at the hearing. When the executive branch invokes the state secrets privilege to shut down lawsuits, hides its programs behind secret OLC opinions, overclassifies information to avoid public disclosure, and interprets the Freedom of Information Act as an information withholding statute, it shuts down all of the means to detect and respond to its abuses of the rule of law—whether those abuses involve torture, domestic spying, or the firing of U.S. attorneys for partisan gain.

With regard to this administration's overuse of the state secrets privilege, University of Chicago law professor Geoffrey Stone and many others recommend that Congress pass S. 2533, the State Secrets Protection Act, which was reported out of the Judiciary Committee in April. The bill takes the simple and obvious step of requiring courts to review allegedly privileged documents to determine whether they really are privileged.

To address the rampant problem of overclassification, several submissions, including that of John Podesta from the Center for American Progress Action Fund, urge the next President to rewrite the executive order on classification to reverse some of the changes made by President Bush to that order. In particular, President Bush eliminated provisions that established a presumption against classification in cases of significant doubt, that permitted senior agency officials to declassify information in exceptional cases where the public interest in disclosure outweighs the need to protect the information, and that prohibited reclassification of materials that have been released to the public. Contributors argue that these provisions be restored.

On the issue of secret OLC opinions and other manifestations of secret law, there is general agreement that legislation is needed to require greater disclosure of the law under which the executive branch operates. A number of submissions recommend the passage of 2 bills I introduced this year: the Executive Order Integrity Act, which requires the president to publish notice in the Federal Register when revoking or modifying a published Executive order, and the OLC Reporting Act, which requires the Attorney General to report to Congress when the Department of Justice concludes that the executive branch is not bound by a statute.

Finally, the National Security Archive and others address the proper standard for disclosure of information under the Freedom of Information Act. Attorney General Reno issued a memorandum in 1993 that contained a ''presumption of disclosure'': even if a document was technically exempt from disclosure under FOIA, the Department of Justice would defend the withholding only if disclosure would actually harm an interest protected by the exemption. Attorney General Ashcroft reversed that presumption in 2001. Contributors uniformly recommend that the new administration immediately restore the presumption of disclosure.

The subcommittee also received numerous recommendations for reforming our detention and interrogation policy. Detailed plans for accomplishing the difficult task of closing the detention facility at Guantanamo Bay were presented by Elisa Massimino of Human Rights First, by the Center for Strategic and International Studies, by Harold Koh, and by a group of 20 leading scholars. There is near- universal agreement that Guantanamo should be closed. These thoughtful proposals deserve careful consideration. A number of groups also recommend dismantling the current system of military commissions, and instead trying terrorist suspects in U.S. courts or military courts-martial.

With respect to interrogation practices, Princeton's Deborah Pearlstein and others argue that the U.S. Government should have a single, government-wide standard of humane detainee treatment. Massimino suggests that the President and the Congress should invest in efforts to pursue the most effective and humane means of intelligence gathering. And Harold Koh emphasizes the importance of fully complying with obligations under the Geneva Conventions and the Convention Against Torture.

And finally, a number of recommendations were made on government surveillance and privacy issues. National security lawyer Suzanne Spaulding argues that the next administration should undertake a comprehensive review of domestic intelligence activities and authorities, to assess their effectiveness and to ensure that they support, rather than undermine, the rule of law. She points to a number of key issues for review, many of which were also mentioned in other submissions as issues where changes need to be made.

These include the Foreign Intelligence Surveillance Act and the related amendments made this summer; national security letters and other Patriot Act authorities; the first amendment implications of domestic spying activities; data mining and other data collection and analysis activities; profiling in the name of counterterrorism; the appropriate role of the many Federal, State and local entities that are now involved in domestic intelligence gathering; and the need to enhance transparency and oversight in all of these areas. This is a long list, but Spaulding argues that too many of these powers were created piecemeal, without consideration of how they fit together and without adequate consideration for the need to respect civil liberties.

This is just a sampling of the careful and interesting proposals that the subcommittee received. Taken together, these recommendations should serve as an excellent source for both branches of government. While I am not at this ge time going to propose a specific plan of action to the next President or the next Congress, I am reviewing the legislative proposals that have been submitted, and I hope my colleagues will take advantage of them as well. I thank each and every person who made the effort to submit these recommendations. They have done this country a real service.

In January, I intend to present the full hearing record to the new President, and urge him to take specific actions to restore the rule of law. These recommendations should serve as a blueprint for the new President so that he can get started right away on this immense and extremely important job of restoring the rule of law.

It will not be easy. Even those steps that are almost universally agreed upon, such as the necessity of closing the facility at Guantanamo Bay, pose tricky legal and practical questions. And, of course, there may be institutional resistance within the executive branch to actions that are viewed as ceding power to the other branches of government, no matter how unprecedented the executive power theories that need to be undone. But as Suzanne Spaulding explained at the hearing:

> We have to demonstrate that we still believe what our founders understood; that this system of checks and balances and respect for civil liberties is not a luxury of peace and tranquility but was created in a time of great peril as the best hope for keeping this nation strong and resilient.

This is an important point, because the polices pursued by this administration have not kept this Nation ''strong and resilient.'' They have undermined national unity, diminished our international standing and alliances, and hurt our efforts to counter the serious threat we face from al-Qaida and its affiliates. By putting policies in place that accord with basic American principles, we can strengthen our national security as well.

As I said at the outset, it is the years that follow a crisis that may matter

most, that are the true test of the strength of our democracy. So I hope that the next President will carefully review the many recommendations that have been presented, because the future of our democracy depends on it.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan is recognized.

Mr. LEVIN. I thank the Chair.

(The remarks of Mr. LEVIN pertaining to the introduction of S. 3577 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPREME COURT POLICE ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 956, S. 3296.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 3296) to extend the authority of the United States Supreme Court Police to protect court officials off the Supreme Court Grounds and change the title of the Administrative Assistant to the Chief Justice.

There being no objection, the Senate proceeded to consider the bill.

Mr LEAHY. Mr. President, before the Senate is important legislation I introduced months ago to extend for 5 years the authority of the U.S. Supreme Court Police to protect Supreme Court Justices when they leave the Supreme Court grounds. Senator SPECTER cosponsored this measure with me. We have extended the Court police's authority to protect Justices before, the last time in 2004. This authority expires at the end of this year.

This is exactly the type of bill that should pass by unanimous consent without delay. I hotlined the bill and it was cleared on the Democratic side of the Senate for passage months ago, but I was told that there was a Republican objection. Although I would prefer to pass this measure clean, Senator KYL has insisted on adding an amendment. I will consent to this amendment because this bill needs to pass to extend the Supreme Court police's authority. The time for passage is now, without further delay.

Mr. REID. Mr. President, I ask unanimous consent that the Kyl amendment at the desk be agreed to; the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5645) was agreed to as follows:

(Purpose: To provide for a limitation on acceptance of honorary club memberships by justices and judges)

At the end of the bill, add the following:

SEC. 2. LIMITATION ON ACCEPTANCE OF HONORARY CLUB MEMBERSHIPS.

(a) DEFINITIONS.—In this section:

(1) GIFT.—The term ''gift'' has the meaning given under section 109(5) of the Ethics in Government Act of 1978 (5 U.S.C. App.).

(2) JUDICIAL OFFICER.—The term ''judicial officer'' has the meaning given under section 109(10) of the Ethics in Government Act of 1978 (5 U.S.C. App.).

(b) PROHIBITION ON ACCEPTANCE OF HONORARY CLUB MEMBERSHIPS.—A judicial officer may not accept a gift of an honorary club membership with a value of more than $50 in any calendar year.

The bill (S. 3296), as amended, was ordered to be engrossed for a third reading, was read the third time, and pased, as follows:

S. 3296

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. UNITED STATES SUPREME COURT POLICE AND COUNSELOR TO THE CHIEF JUSTICE.

(a) EXTENSION OF AUTHORITY OF THE UNITED STATES SUPREME COURT POLICE TO PROTECT COURT OFFICIALS OFF THE SUPREME COURT GROUNDS.—Section 6121(b)(2) of title 40, United States Code, is amended by striking ''2008'' and inserting ''2013''.

(b) COUNSELOR TO THE CHIEF JUSTICE.—

(1) OFFICE OF FEDERAL JUDICIAL ADMINISTRATION.—Section 133(b)(2) of title 28, United States Code, is amended by striking ''administrative assistant'' and inserting ''Counselor''.

(2) JUDICIAL OFFICIAL.—Section 376(a) of title 28, United States Code, is amended—

(A) in paragraph (1)(E), by striking ''an administrative assistant'' and inserting ''a Counselor''; and

(B) in paragraph (2)(E), by striking ''an administrative assistant'' and inserting ''a Counselor''.

(3) ADMINISTRATIVE ASSISTANT TO THE CHIEF JUSTICE.—

(A) IN GENERAL.—Section 677 of title 28, United States Code, is amended—

(i) in the section heading, by striking ''**Administrative Assistant**'' and inserting ''**Counselor**'';

(ii) in subsection (a)—

(I) in the first sentence, by striking ''an Administrative Assistant'' and inserting ''a Counselor''; and

(II) in the second and third sentences, by striking ''Administrative Assistant'' each place that term appears and inserting ''Counselor''; and

(iii) in subsections (b) and (c), by striking ''Administrative Assistant'' each place that term appears and inserting ''Counselor''.

(B) TABLE OF SECTIONS.—The table of sections for chapter 45 of title 28, United States Code, is amended by striking the item relating to section 677 and inserting the following:

''677. Counselor to the Chief Justice.''.

SEC. 2. LIMITATION ON ACCEPTANCE OF HONORARY CLUB MEMBERSHIPS.

(a) DEFINITIONS.—In this section:

(1) GIFT.—The term ''gift'' has the meaning given under section 109(5) of the Ethics in Government Act of 1978 (5 U.S.C. App.).

(2) JUDICIAL OFFICER.—The term ''judicial officer'' has the meaning given under section 109(10) of the Ethics in Government Act of 1978 (5 U.S.C. App.).

(b) PROHIBITION ON ACCEPTANCE OF HONORARY CLUB MEMBERSHIPS.—A judicial officer may not accept a gift of an honorary club membership with a value of more than $50 in any calendar year.

EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of H.R. 2851 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 2851) to amend the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to ensure that dependent students who take a medically necessary leave of absence do not lose health insurance coverage, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2851) was ordered to a third reading, was read the third time, and passed.

QI PROGRAM SUPPLEMENTAL FUNDING ACT OF 2008

Mr. REID. Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 3560 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so order.

The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 3560) to amend title XIX of the Social Security Act to provide additional funds for the qualifying individual (QI) program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table; that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3560) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3560

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 ''QI Program Supplemental Funding Act of 2008''.

SEC. 2. FUNDING FOR THE QUALIFYING INDIVIDUAL (QI) PROGRAM.

Section 1933(g)(2) of the Social Security Act (42 U.S.C. 1396u–3(g)(2)), as amended by section 111(b) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), is amended—

(1) in subparagraph (I), by striking ''$300,000,000'' and inserting ''$315,000,000''; and

(2) in subparagraph (J), by striking ''$100,000,000'' and inserting ''$130,000,000''.

SEC. 3. MANDATORY USE OF STATE PUBLIC ASSISTANCE REPORTING INFORMATION SYSTEM (PARIS) PROJECT.

(a) IN GENERAL.—Section 1903(r) of the Social Security Act (42 U.S.C. 1396b(r)) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by inserting '', in addition to meeting the requirements of paragraph (3),'' after ''a State must''; and

(2) by adding at the end the following new paragraph:

''(3) In order to meet the requirements of this paragraph, a State must have in operation an eligibility determination system which provides for data matching through the Public Assistance Reporting Information System (PARIS) facilitated by the Secretary (or any successor system), including matching with medical assistance programs operated by other States.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsection (a) take effect on October 1, 2009.

(2) EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.—In the case of a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by subsection (a), the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session is considered to be a separate regular session of the State legislature.

SEC. 4. INCENTIVES FOR THE DEVELOPMENT OF, AND ACCESS TO, CERTAIN ANTIBIOTICS.

(a) IN GENERAL.—Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) is amended by adding at the end the following:

''(v) ANTIBIOTIC DRUGS SUBMITTED BEFORE NOVEMBER 21, 1997.—

''(1) ANTIBIOTIC DRUGS APPROVED BEFORE NOVEMBER 21, 1997.—

''(A) IN GENERAL.—Notwithstanding any provision of the Food and Drug Administration Modernization Act of 1997 or any other provision of law, a sponsor of a drug that is the subject of an application described in subparagraph (B)(i) shall be eligible for, with respect to the drug, the 3-year exclusivity period referred to under clauses (iii) and (iv) of subsection (c)(3)(E) and under clauses (iii) and (iv) of subsection (j)(5)(F), subject to the requirements of such clauses, as applicable.

''(B) APPLICATION; ANTIBIOTIC DRUG DESCRIBED.—

''(i) APPLICATION.—An application described in this clause is an application for marketing submitted under this section after the date of the enactment of this subsection in which the drug that is the subject of the application contains an antibiotic drug described in clause (ii).

''(ii) ANTIBIOTIC DRUG.—An antibiotic drug described in this clause is an antibiotic drug that was the subject of an application approved by the Secretary under section 507 of this Act (as in effect before November 21, 1997).

''(2) ANTIBIOTIC DRUGS SUBMITTED BEFORE NOVEMBER 21, 1997, BUT NOT APPROVED.—

''(A) IN GENERAL.—Notwithstanding any provision of the Food and Drug Administration Modernization Act of 1997 or any other provision of law, a sponsor of a drug that is the subject of an application described in subparagraph (B)(i) may elect to be eligible for, with respect to the drug—

''(i)(I) the 3-year exclusivity period referred to under clauses (iii) and (iv) of subsection (c)(3)(E) and under clauses (iii) and (iv) of subsection (j)(5)(F), subject to the requirements of such clauses, as applicable; and

''(II) the 5-year exclusivity period referred to under clause (ii) of subsection (c)(3)(E) and under clause (ii) of subsection (j)(5)(F), subject to the requirements of such clauses, as applicable; or

''(ii) a patent term extension under section 156 of title 35, United States Code, subject to the requirements of such section.

''(B) APPLICATION; ANTIBIOTIC DRUG DESCRIBED.—

''(i) APPLICATION.—An application described in this clause is an application for marketing submitted under this section after the date of the enactment of this subsection in which the drug that is the subject of the application contains an antibiotic drug described in clause (ii).

''(ii) ANTIBIOTIC DRUG.—An antibiotic drug described in this clause is an antibiotic drug that was the subject of 1 or more applications received by the Secretary under section 507 of this Act (as in effect before November 21, 1997), none of which was approved by the Secretary under such section.

''(3) LIMITATIONS.—

''(A) EXCLUSIVITIES AND EXTENSIONS.—Paragraphs (1)(A) and (2)(A) shall not be construed to entitle a drug that is the subject of an approved application described in subparagraphs (1)(B)(i) or (2)(B)(i), as applicable, to any market exclusivities or patent extensions other than those exclusivities or extensions described in paragraph (1)(A) or (2)(A).

''(B) CONDITIONS OF USE.—Paragraphs (1)(A) and (2)(A)(i) shall not apply to any condition of use for which the drug referred to in subparagraph (1)(B)(i) or (2)(B)(i), as applicable, was approved before the date of the enactment of this subsection.

''(4) APPLICATION OF CERTAIN PROVISIONS.—Notwithstanding section 125, or any other provision, of the Food and Drug Administration Modernization Act of 1997, or any other provision of law, and subject to the limitations in paragraphs (1), (2), and (3), the provisions of the Drug Price Competition and Patent Term Restoration Act of 1984 shall apply to any drug subject to paragraph (1) or any drug with respect to which an election is made under paragraph (2)(A).''.

(b) TRANSITIONAL RULES.—

(1) With respect to a patent issued on or before the date of the enactment of this Act, any patent information required to be filed with the Secretary of Health and Human Services under subsection (b)(1) or (c)(2) of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) to be listed on a drug to which subsection (v)(1) of such section 505 (as added by this section) applies shall be filed with the Secretary not later than 60 days after the date of the enactment of this Act.

(2) With respect to any patent information referred to in paragraph (1) of this subsection that is filed with the Secretary within the 60-day period after the date of the enactment of this Act, the Secretary shall publish such information in the electronic version of the list referred to at section 505(j)(7) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(7)) as soon as it is received, but in no event later than the date that is 90 days after the enactment of this Act.

(3) With respect to any patent information referred to in paragraph (1) that is filed with the Secretary within the 60-day period after the date of enactment of this Act, each applicant that, not later than 120 days after the date of the enactment of this Act, amends an application that is, on or before the date of the enactment of this Act, a substantially complete application (as defined in paragraph (5)(B)(iv) of section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j))) to contain a certification described in paragraph (2)(A)(vii)(IV) of such section 505(j) with respect to that patent shall be deemed to be a first applicant (as defined in paragraph (5)(B)(iv) of such section 505(j)).

SEC. 5. CLARIFICATION OF AUTHORITY FOR USE OF MEDICAID INTEGRITY PROGRAM FUNDS.

(a) CLARIFICATION OF AUTHORITY FOR USE OF FUNDS.—

(1) IN GENERAL.—Section 1936 of the Social Security Act (42 U.S.C. 1396u–6) is amended—

(A) in subsection (b)(4), by striking ''Education of'' and inserting ''Education or training, including at such national, State, or regional conferences as the Secretary may establish, of State or local officers, employees, or independent contractors responsible for the administration or the supervision of the administration of the State plan under this title,''; and

(B) in subsection (e), by striking paragraph (2) and inserting the following:

''(2) AVAILABILITY; AUTHORITY FOR USE OF FUNDS.—

''(A) AVAILABILITY.—Amounts appropriated pursuant to paragraph (1) shall remain available until expended.

''(B) AUTHORITY FOR USE OF FUNDS FOR TRANSPORTATION AND TRAVEL EXPENSES FOR ATTENDEES AT EDUCATION, TRAINING, OR CONSULTATIVE ACTIVITIES.—

''(i) IN GENERAL.—The Secretary may use amounts appropriated pursuant to paragraph (1) to pay for transportation and the travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business, of individuals described in subsection (b)(4) who attend education, training, or consultative activities conducted under the authority of that subsection.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect as if included in the enactment of section 1936 of the Social Security Act, as added by section 6034(a) of the Deficit Reduction Act of 2005 (Public Law 109–171).

(b) PUBLIC DISCLOSURE.—

(1) IN GENERAL.—Section 1936(e)(2)(B) of such Act (42 U.S.C. 1396u–6(e)(2)(B)), as added by subsection (a) of this section, is amended by adding at the end the following:

''(ii) PUBLIC DISCLOSURE.—The Secretary shall make available on a website of the Centers for Medicare & Medicaid Services that is accessible to the public—

''(I) the total amount of funds expended for each conference conducted under the authority of subsection (b)(4); and

''(II) the amount of funds expended for each such conference that were for transportation and for travel expenses.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to conferences conducted under the authority of section 1936(b)(4) of the Social Security Act (42 U.S.C. 1396u–6(b)(4)) after the date of enactment of this Act.

SEC. 6. FUNDING FOR THE MEDICARE IMPROVEMENT FUND.

Section 1898(b)(1) of the Social Security Act (42 U.S.C. 1395iii(b)(1)) is amended by striking ''$2,220,000,000'' and inserting ''$2,290,000,000''.

DEBBIE SMITH REAUTHORIZATION ACT OF 2008

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 5057 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 5057) to reauthorize the Debbie Smith DNA Backlog Grant Program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am pleased that the Senate will pass the reauthorization of the Debbie Smith Act. I want to thank Senator BIDEN for his leadership in the Senate in supporting this important program, and I was pleased to work with him and others, as I have before, to ensure that the Debbie Smith grant program is given the authorization to continue its vital work.

I should take this opportunity to thank Debbie Smith for her courage and for the tireless efforts of her and her husband, Rob, on behalf of rape victims. In her own case, DNA testing led to the arrest and conviction of her attacker, but the backlog of rape kits waiting to be tested forced her to endure an excruciating wait before the culprit could be found and justice could be done. The legislation that she inspired and worked so hard to pass aims to ensure that other victims do not have to live in fear through a long and unnecessary delay.

In 2004, after years of work, Congress passed a significant package of criminal justice reforms known as the Justice for All Act, which substantially increased Federal resources available to State and local governments to combat crime with DNA technology. The Debbie Smith DNA Backlog Grant Program was a key component of that legislation. I worked hard for years to try to get the Debbie Smith Act passed, and I was thrilled in 2004 to finally be able to call Debbie to tell her that our hard work had paid off. I have pushed every year since for full funding of this crucial program.

As DNA testing moved to the front lines of the war on crime, forensic laboratories nationwide experienced a significant increase in their caseloads, both in number and complexity. Funding simply did not keep pace with this increasing demand, and forensic labs nationwide became seriously bottlenecked.

Backlogs have seriously impeded the use of DNA testing in solving cases without suspects—and reexamining cases in which there are strong claims of innocence—as labs are required to give priority status to those cases in which a suspect is known. Solely for lack of funding, critical evidence remains untested while rapists and killers remain at large.

The Debbie Smith DNA Backlog Grant Program has given States help they desperately needed, and continue to need, to carry out DNA analyses of backlogged evidence. It has provided a strong starting point in addressing this serious problem, but much work remains to be done before we conquer these inexcusable backlogs. That is why I so strongly support reauthorization of this vital program.

Some in both Chambers have expressed a desire to expand and improve this program and other DNA testing programs. I share those goals and will work with others to pursue them next year. It is very important, though, that we reauthorize the Debbie Smith program now, when we can and should, and turn to more difficult tasks in the next Congress when we will be able to give them the attention they require.

This reauthorization bill authorizes $755 million over the next 5 years to reduce the current backlog of unanalyzed DNA samples in the Nation's crime labs. I am glad that the Senate has passed it, and I hope the House promptly passes this version of the bill, and the President promptly signs it. I hope too that Congress fully funds this important program.

I want to make one point on the issue of rape kit testing, which this legislation does so much to promote and which Debbie Smith has worked so hard to make available for all victims of horrendous attacks. No victim should ever be required to pay the cost of a rape kit. Collecting and testing evidence from serious crimes is a responsibility our Government and our community bears, and it should never be seen as a revenue source for cities and towns. It appalls me that any official in any community would condone such a practice, and I hope it will stop.

I congratulate Debbie and Rob Smith on this key step toward the reauthorization of this important program, and I look forward to working with them to continue to find ways to protect women, assist crime victims, and bring criminals to justice.

Mr. REID. Mr. President, I ask unanimous consent that a Biden substitute amendment, which is at the desk, be agreed to, the bill, as amended, be read a third time and passed; the motions to reconsider be laid upon the table with no intervening action or debate; and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5646) was agreed to, as follows:

(Purpose: to provide a complete substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Debbie Smith Reauthorization Act of 2008''.

SEC. 2. GENERAL REAUTHORIZATION.

Section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135) is amended—

(1) in subsection (c)(3), by—

(A) striking subparagraphs (A) through (D);

(B) redesignating subparagraph (E) and subparagraph (A); and

(C) inserting at the end the following:

''(B) For each of the fiscal years 2010 through 2014, not less than 40 percent of the grant amounts shall be awarded for purposes under subsection (a)(2).''; and

(2) by amending subsection (j) to read as follows:

''(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General for grants under subsection (a) $151,000,000 for each of fiscal years 2009 through 2014.''.

SEC. 3. TRAINING AND EDUCATION.

Section 303(b) of the DNA Sexual Assault Justice Act of 2004 (42 U.S.C. 14136(b)) is amended by striking ''2005 through 2009'' and inserting ''2009 through 2014''.

SEC. 4. SEXUAL ASSAULT FORENSIC EXAM GRANTS.

Section 304(c) of the DNA Sexual Assault Justice Act of 2004 (42 U.S.C. 14136a(c)) is amended by striking ''2005 through 2009'' and inserting ''2009 through 2014''.

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

The bill (H.R. 5057), as amended, was read the third time, and passed.

METHAMPHETAMINE PRODUCTION PREVENTION ACT OF 2007

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 962, S. 1276.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 1276) to establish a grant program to facilitate the creation of methamphetamine precursor electronic logbook systems, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Methamphetamine Production Prevention Act of 2008''.

SEC. 2. CLARIFICATIONS REGARDING SIGNATURE CAPTURE AND RETENTION FOR ELECTRONIC METHAMPHETAMINE PRECURSOR LOGBOOK SYSTEMS.

Section 310(e)(1)(A) of the Controlled Substances Act (21 U.S.C. 830(e)(1)(A)) is amended by striking clauses (iv) through (vi) and inserting the following:

''(iv) In the case of a sale to which the requirement of clause (iii) applies, the seller does

not sell such a product unless the sale is made in accordance with the following:

''(I) The prospective purchaser—

''(aa) presents an identification card that provides a photograph and is issued by a State or the Federal Government, or a document that, with respect to identification, is considered acceptable for purposes of sections 274a.2(b)(1)(v)(A) and 274a.2(b)(1)(v)(B) of title 8, Code of Federal Regulations (as in effect on or after March 9, 2006); and

''(bb) signs the written logbook and enters in the logbook his or her name, address, and the date and time of the sale, or for transactions involving an electronic logbook, the purchaser provides a signature using one of the following means:

''(AA) Signing a device presented by the seller that captures signatures in an electronic format. Such device shall display the notice described in clause (v). Any device used shall preserve each signature in a manner that clearly links that signature to the other electronically-captured logbook information relating to the prospective purchaser providing that signature.

''(BB) Signing a bound paper book. Such bound paper book shall include, for such purchaser, either (aaa) a printed sticker affixed to the bound paper book at the time of sale which either displays the name of each product sold, the quantity sold, the name and address of the purchaser, and the date and time of the sale, or a unique identifier which can be linked to that electronic information, or (bbb) a unique identifier which can be linked to that information and which is written into the book by the seller at the time of sale. The purchaser shall sign adjacent to the printed sticker or written unique identifier related to that sale. Such bound paper book shall display the notice described in clause (v).

''(CC) Signing a printed document that includes, for such purchaser, the name of each product sold, the quantity sold, the name and address of the purchaser, and the date and time of the sale. Such document shall be printed by the seller at the time of the sale. Such document shall contain a clearly identified signature line for a purchaser to sign. Such printed document shall display the notice described in clause (v). Each signed document shall be inserted into a binder or other secure means of document storage immediately after the purchaser signs the document.

''(II) The seller enters in the logbook the name of the product and the quantity sold. Such information may be captured through electronic means, including through electronic data capture through bar code reader or similar technology.

''(III) The logbook maintained by the seller includes the prospective purchaser's name, address, and the date and time of the sale, as follows:

''(aa) If the purchaser enters the information, the seller must determine that the name entered in the logbook corresponds to the name provided on such identification and that the date and time entered are correct.

''(bb) If the seller enters the information, the prospective purchaser must verify that the information is correct.

''(cc) Such information may be captured through electronic means, including through electronic data capture through bar code reader or similar technology.

''(v) The written or electronic logbook includes, in accordance with criteria of the Attorney General, a notice to purchasers that entering false statements or misrepresentations in the logbook, or supplying false information or identification that results in the entry of false statements or misrepresentations, may subject the purchasers to criminal penalties under section 1001 of title 18, United States Code, which notice specifies the maximum fine and term of imprisonment under such section.

''(vi) Regardless of whether the logbook entry is written or electronic, the seller maintains each entry in the logbook for not fewer than 2 years after the date on which the entry is made.''.

Amend the title so as to read: ''A bill to facilitate the creation of methamphetamine precursor electronic logbook systems, and for other purposes.''.

Mr. REID. Mr. President, I ask unanimous consent that the committee substitute amendment be agreed to, the bill, as amended, be read a third time and passed; the committee reported title amendment be agreed to; the motions to reconsider be laid upon the table with no intervening action or debate; and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

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

The bill (S. 1276), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended so as to read: ''A bill to facilitate the creation of methamphetamine precursor electronic logbook systems, and for other purposes.''

Mr. DURBIN. Mr. President, I rise today to speak about the Senate's passage of the Methamphetamine Production Prevention Act. This is legislation I introduced with my colleague Senator GRASSLEY to make it easier for law enforcement to keep track of purchases of the ingredients needed to produce methamphetamine. I am pleased that the Senate has passed this important legislation by unanimous consent, and I urge the House of Representatives to act quickly to take up and pass the bill.

For years, the manufacture and use of methamphetamine have plagued families and communities across Illinois and throughout the Nation. Current Federal law limits the amount of meth precursor drug products that a person can buy and requires pharmacies to keep a written or electronic logbook recording each sale of a precursor product. The point of these logbooks is to keep track of individuals' purchases so they cannot buy amounts that exceed the limit. The only real reason to purchase over-the-limit quantities of these products is for meth production. So current law limits bulk purchases and requires record-keeping of transactions.

Unfortunately, meth makers have figured out how to avoid these limits by ''smurfing.'' This is the practice of buying meth precursor products in quantities above the limit by traveling to multiple pharmacies that keep written logbooks and buying legal amounts at each one. It is difficult and time-consuming for law enforcement investigators to find these meth ''smurfs'' when the investigators have to go to each pharmacy and flip through the paper logbooks to try to spot individual names. According to Illinois law enforcement authorities, smurfing now accounts for at least 90 percent of the pseudoephedrine used to make meth in Illinois.

The Methamphetamine Production Prevention Act will help wipe out ''smurfing'' by making it easier for retailers to use electronic logbook systems that can monitor sales of meth precursor products and identify individuals who are illegally stockpiling those precursors. When retailers collect their logbook information electronically and make that information accessible to law enforcement, that information can be used to identify and prosecute ''smurfs'' and meth cooks.

The Methamphetamine Production Prevention Act corrects several technical hurdles in current Federal law that are prohibiting more widespread use of electronic logbook systems. For example, the bill gives retailers who use electronic logbook systems the option of collecting purchaser signatures on paper, as long as those signatures can be clearly linked to the rest of the sale information that is captured electronically. This will provide tremendous cost savings for retailers without hurting law enforcement efforts. Also, the bill permits retailers to enter into their logbook system data about the product name and quantity sold through electronic data capture technology such as a bar code reader. This will help to speed up transactions, and will help avoid transcription errors in the logbook records.

Further, this legislation permits a retailer, rather than a purchaser, to enter the purchaser's name and address and the date and time of sale into the logbook system. It is difficult to design an electronic logbook system where the purchaser is the one who ''enters'' his or her name, address, and the date and time of sale, as is required under current law. My bill permits the retailer to input that information, and then the purchaser must verify that the inputted information is correct, for example by orally confirming the information that the retail clerk reads back to the purchaser. The bill would also permit this information to be captured through electronic capture technology, such as a bar code reader or a software program that records the date and time.

If we increase the use of electronic logbook systems, we will put a stop to ''smurfing'' and cut off the flow of precursor chemicals that supply meth labs in Illinois and throughout the country. That is why law enforcement agencies such as the National Narcotics Officers' Associations' Coalition, the National Criminal Justice Association, the National Sheriffs' Association, and the National District Attorneys Association want this legislation to become law. My staff and I have also worked with the retail pharmacy community and the drug manufacturer community on this legislation, and I am pleased that my bill has received the endorsement of the National Association of Chain Drug Stores and the Consumer Healthcare Products Association. I also want to commend and thank Illinois attorney general Lisa Madigan and

Steve Mange, the head of the Illinois Meth Project, for their assistance in crafting this legislation.

I thank my colleague from Iowa, Senator GRASSLEY, for his leadership on this issue and Senators HARKIN, BAYH, BIDEN, CANTWELL, CLINTON, CONRAD, FEINSTEIN, JOHNSON, LINCOLN, MCCASKILL, MURKOWSKI, OBAMA, and SCHUMER for their cosponsorship.

The production of methamphetamine has plagued our communities for far too long, and this legislation takes a critical step to stop it. I thank my colleagues in the Senate for the unanimous passage of this important bill.

RECESS

Mr. REID. Mr. President, there are things going on here in the Capitol, just to alert Members, so I ask unanimous consent that we stand in recess until 3 p.m. today, and that everyone should know that we are going to come back and try to get consent to be in recess because at 4 o'clock we have an all-Senators briefing by Secretary Gates, Admiral Mullen, and Ambassador Negroponte.

People should be aware that if they have something to do or say, they can come here at 3 o'clock. I think it would be more appropriate if we were in recess until 5, but there has been an objection to that, so I ask unanimous consent that we stand in recess until 3 p.m.

There being no objection, the Senate, at 1:07 p.m., recessed until 3:00 P.M. and reassembled when called to order by the Presiding Officer (Ms. KLOBUCHAR).

The PRESIDING OFFICER. In my capacity as a Senator from Minnesota, I suggest the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. I ask unanimous consent that I may go beyond the 10 minutes for morning business to perhaps 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESPECTING REALITY

Mr. WHITEHOUSE. Madam President, we are working this week, many of us working very hard this week—none harder than my friend and senior colleague from Rhode Island, JACK REED—to address a paroxysm in the financial markets, one that has been a long time coming. During that long time, people in Washington, over and over, missed opportunities to prevent it. Make no mistake, this whole episode we are going through now was preventable. This is a human failure not some natural disaster, not economic inevitability. A political sellout to financial interests, a sellout given intellectual cover by a toxic ideology of deregulation appears to be at the heart of what happened. I was not here to see it, but all the clues point to that.

This crisis is now past preventing. We have to fix it. It is a shame on those responsible that it happened in the first place, but it is a shame on all of us if we do not learn its lesson because there is more to come.

In his famous ''Give Me Liberty Or Give Me Death'' speech, Patrick Henry also noted:

> We are apt to shut our eyes against a painful truth, and listen to the song of that siren till she transforms us into beasts.

We should heed these words from the earliest days of our democracy and not shut our eyes to the painful truth of what has happened and not shut our eyes to the painful truths that still lie before us. Folks here have too often told Americans what they want to hear and too rarely told them what they need to know.

There is no painful truth that Americans cannot deal with; there is nothing Americans cannot solve—but not if we are not told what we need to know. So we are now borrowing $700 billion because people here refused to face a painful truth about our financial markets, about the folly of deregulation. But that is just one of many painful, in some cases inconvenient, truths that we confront today.

I remember sitting with the Presiding Officer, the distinguished Senator from Minnesota, in the Environment and Public Works Committee hearing the president of the Association of Health Directors of all the States and territories across the Nation deliver the unanimous statement of that association on global warming. It was a strong statement, a stern and sobering statement. But most important, it was unanimous. Yet in this Chamber some still ignore or deny the painful truth of the changes befalling our planet.

Our capacity for denial, for artifice, and for self-delusion has become dangerous. Phony doubts about global warming may hide the facts of our planet's condition from our people, but the Earth doesn't care about doubts. She will behave the way nature dictates, and the consequences will be on all of us.

Phony theories of deregulation may have obscured the facts of the financial markets from us, but the markets don't care about our theories. If we let them come to failure, they will fail. And now the consequences are on all of us.

The painful experiences we are going through today are, for the Bush administration, a rendezvous with reality. It is not the only one we have coming, if we don't begin to govern in a reality-based environment.

The $7.7 trillion debt that George W. Bush has run up as President—there will be a rendezvous with reality on that. The $34 trillion Medicare liability, which is just one symptom of our bloated and unstable health care system—there will be a rendezvous with reality on that. The $740 billion annual trade deficit the United States of America is running—there will be a rendezvous with reality on that. An energy policy that hemorrhages $600 billion a year to oil-producing countries and puts us on the losing end of the biggest wealth transfer in the history of humankind, all to keep big oil happy—there will be a rendezvous with reality on that. There will be a rendezvous with reality on the tons of carbon and greenhouse gases we are pumping into our thin and delicate atmosphere. These rendezvous with reality will come.

The only question for us is on what terms will we meet them. We can decide: Will we be prepared or be caught flat-footed? Will we tackle problems while they are still manageable or wait until they overwhelm us? Will we address difficulty or face calamity? These are choices of ours and they pose the question, Are we capable of reality-based governing.

I ask these questions because there is a common narrative through all these problems, and it is a perilous one to our democracy.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. I would like, through the Chair, to ask my friend from Rhode Island if I can ask a unanimous consent?

Mr. WHITEHOUSE. I gladly suspend for the majority leader.

ORDER FOR RECESS

Mr. REID. Madam President, I ask unanimous consent at the hour of 4 p.m. we have a recess until 5:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. There is an all-Senators briefing starting at 4 o'clock. I thank the distinguished Senator from Rhode Island, one of my good friends.

Mr. WHITEHOUSE. I applaud the majority leader for the enormous, hard, successful work he is doing in these hours.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Democracy as an institution will not do well if we are all satisfied to be told what we want to hear and not what we need to know. Democracy will not address problems well if our elected leaders traffic in ideology instead of respecting reality. Reality bites hard when she is ignored. Democracy will not flourish if leaders tout for special interests instead of fighting for the public interest.

Democracy will suffer a terrible blow when the days of reckoning come, when the rendezvous with reality occurs and our people, particularly our young people, turn to us and say: How could you? How could you not have warned us? How could you not have been square with us? How could you have been so irresponsible?

As elected officials, we have a trust and we had better begin to honor it. So as we grapple with the proposal for the biggest bailout in history, a $700 billion patch on Wall Street and our credit market, what do we look for next? What is the next wave that will hit? Well, I fear the next internal wave we face could be credit card debt.

We have 115 million households in America. They have 1.2 billion credit cards; 115 million households in America with 1.2 billion credit cards. The total credit card debt that Americans will carry by the end of this year will likely be $1 trillion.

To put that in context, our international gross domestic product is only $14 trillion. With that many cards in use and that much debt piled up, we now have a pretty fixed pool of credit card borrowers out there. This is not an expanding market. The Bush economy has stressed this pool of borrowers and stressed them hard.

The average middle-class family under age 55 makes $2,000 less than when George W. Bush took office. Their average family expenses have increased by $4,600 since George W. Bush took office. If you add the two together, the average middle-class family is $6,600 a year worse off after 8 years of Republican misrule.

So they are stressed. They are not whiners, as Senator Gramm, one of the Presidential candidate's campaign advisers, said, and the economy around them is not fundamentally sound, as one of our Presidential candidates has busily been telling Americans until it had become too preposterous to continue saying it.

So what happens to these stressed families? Well, the credit card companies see a family stressed, and they see them as a worse credit risk, so they raise their interest rates and they impose steep penalties and fees. It is an industry where when you are down, they make it even worse for you.

So now the family is more stressed. So they fall more behind, and a vicious cycle emerges. Another vicious cycle operates right alongside. One credit card company finds a new dirty trick to gouge the consumer, so they make more money. Investors and competitors see them making more money, and in a market economy, capital goes to the highest rate of return.

So now all the other credit card companies have to copy them to compete. So that credit card agreement gets more and more pages, longer and longer, more tricks to hit you with fees, penalties, and rate hikes. They get more devious and complex, and nobody can get off that merry-go-round, because if they try, they will lose their competitive position to the worst of the lot.

So you have two vicious cycles and they converge and together they can drive credit card debt in only one direction. The tricks and traps and rate increases and penalties and fees get worse and worse, driven by the jungle force of competition among the credit card companies. Struggling families see credit costs rising ever higher, driving them further and further underwater, with no end in sight.

There is no present mechanism to interrupt these gathering forces. Now, in a reality-based mode of governing, prudent men and women would do something. There should be consequences when abusive lenders take advantage of families in difficult circumstances.

This summer our majority whip, Senator DICK DURBIN from Illinois, and I introduced the Consumer Credit Fairness Act, legislation that would provide a powerful incentive for loan companies to keep their rates and fees at reasonable levels and would give borrowers leverage to negotiate better terms. It would interrupt the vicious cycle.

But more can be done. For generations, for generations in this country, the 50 States had the power to enforce their own what were called usury laws, laws that limited the amount of interest that could be charged to fair and nonabusive levels, and they were able to enforce their usury laws against anyone. They were their citizens and they could protect them.

Then, in 1978, in a fairly narrow decision, construing the National Banking Act, the U.S. Supreme Court decided Marquette v. First Bank of Omaha and decided that States could only set limits on the interest rates and fees charged by in-state credit card companies.

So what do you expect would happen? Predictably, credit card companies began moving to States with the weakest lending laws, with the worst consumer protections, setting off what has become a race to the bottom among credit card companies, all at the expense of consumers.

I intend to propose that we restore to our sovereign States the rights they historically enjoyed for two centuries, to set limits on the interest rates and fees charged to their own citizens. It does not seem like asking a lot. I will soon be introducing legislation to accomplish this. I encourage my colleagues to try to help me bring this to reality.

If we simply reempower the States to protect their own citizens from unscrupulous lending practices, we can end the confluence of these two vicious cycles before this situation, too, gets out of hand.

While the current economic crisis gives us this moment of clarity, this moment of reality, this moment of reality-based governing, while this $700 billion rendezvous with reality has our attention, before we revert to claims that the No. 1 issue facing the United States is to drill for more oil or whatever we get back to, while we have a moment of honest focus, this is our chance to get ahead of one of these problems.

We will still have the $7.7 trillion Bush debt to deal with, we will still have the $34 trillion Medicare debt to deal with, we will still have the $734 trillion trade deficit to deal with, we will still have our energy hemorrhage to deal with, and we will still have global warming to deal with, to name a few.

But let's get ahead of this one. Let's not mess up this one.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

TRIBUTE TO LARRY MUNSON

Mr. ISAKSON. Madam President, earlier today I spoke on the floor about the impending financial difficulties we are facing and the issues before us. I come back not to repeat those remarks at all but, rather, in this time of turmoil and stress, to recognize that all of us as Americans, and Georgians in my State, in times of difficulty turn to those institutions of faith and family that give them strength.

In Georgia, in the fall, there is another institution that gives us strength, the University of Georgia football, the Southeastern Conference, and a man named Larry Munson. On Monday of this week, Larry Munson, at the age of 86, announced his retirement, after 43 years as the voice of the Georgia Bulldogs.

He first started in Wyoming, moved to Tennessee, and in 1962, the Atlanta Braves brought him to Atlanta to be the first announcer when the franchise moved from Milwaukee. In 1996, Joel Eaves, the athletic director, asked him to come to Athens. He became an institution not just in Athens, not just in the Southeastern Conference but of announcers around the world.

He is in the company of Chris Schenkel, Frank Jackson, and those famous voices all of us have known in sports. But more than anything else, Larry Munson coined phrases that now are listed in dictionaries and history books for their uniqueness.

In 1981, when the University of Georgia upset Tennessee in Knoxville, TN, on the last play of the game, he talked about how his ''Bulldogs had stepped on and crushed the Tennessee faces just like they had on a hobnailed boot.''

In 1982, when Georgia won the Southeastern Conference in Auburn, it was Larry Munson who declared that ''sugar was falling from the skies'' as Georgia got an invitation to go to the Sugar Bowl.

Probably the most memorable, in 1980, when Herschel Walker, then a freshman, scored his first touchdown of a storied career in college, Larry Munson replied, as he announced the run: My goodness, he is running over people. He ran right through people. And, oh, my goodness, he is only a freshman.

These and so many more have endeared Larry Munson to the people of Georgia, the Southeastern Conference, and collegiate gate football. So on this day in the Senate, as all of us seek

comfort in those things we appreciate, love, and admire, I wish to express my appreciation to Larry Munson and the contributions he has made to athletics in our State and to the University of Georgia and wish him the very best in the years to come.

God bless you, Larry.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is authorized to speak for up to 10 minutes.

Mr. DOMENICI. Madam President, I need 20, so I ask unanimous consent for 20.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO SENATORS

JOHN WARNER

Mr. DOMENICI. Madam President, I rise today with a heart that is not totally joyful because I am going to be talking about four of my colleagues who are leaving the Senate. Pretty soon, I will be talking about my own leaving the Senate but not today. I will save that for another day. The first one I want to talk about is JOHN WARNER of Virginia. I have gotten to know him and his wife Jeanne.

It is with great pride and honor that I pay tribute to my friend and distinguished colleague from the Commonwealth of Virginia, Senator JOHN WARNER. He served in this body for 30 years; I have served for 36. So the arithmetic is simple: I have been with him for all of his 30 years in the Senate. He dealt almost exclusively, and with perfection, on military matters. I did the budget for the Senate for a long time, and I have been privileged to work for the last 5 years on energy matters. In between, it was nothing but joy on my part to work on matters of the Senate. I believe the same was true for JOHN WARNER, who not only worked in military matters and worried about our troops, but he also from time to time got over into public works.

Early in his Senate career, Senator WARNER and I served on the Environment and Public Works Committee. More recently, our work together has centered on defense and national security and, as I indicated, of late homeland security.

He earned the respect of his colleagues on both sides of the aisle because of his unique ability to negotiate and foster positive working relationships with fellow Senators. There was much being said about working across the aisle and being bipartisan. Clearly, when things had to be partisan because it was the nature of things, JOHN WARNER was a partisan. But obviously, when it was a matter that pertained to something that could be worked out between Democrats and Republicans, one could bet that he was quick to raise his hand and lift it across the aisle and work with Senators from the other side.

He has been a leader on a broad range of issues. As I indicated, he is someone who makes me proud.

Prior to his five terms in the Senate, JOHN served his country as a United States Marine, was later appointed Under Secretary of the Navy and was eventually appointed and confirmed as the 61st Secretary of the Navy. Early in our Senate career, Senator WARNER and I served on the Environment and Public Works Committee together. Over the past several Congresses, our work together has centered on defense, national security and homeland security matters.

During his Senate, tenure JOHN has earned the respect and admiration of his colleagues on both sides of the aisle because of his unique ability to negotiate, accommodate, compromise, and foster positive working relationships with fellow Members. Through this approach, JOHN WARNER has been a leader on a broad range of issues such as strengthening our defense and national security, fighting the global war on terrorism and decreasing carbon and other emissions globally. While in the Senate, he dutifully served on the Armed Services Committee, Intelligence Committee, Environment and Public Works Committee, and Homeland Security and Governmental Affairs Committee.

JOHN has been a long time colleague of mine, and I will dearly miss him. The Commonwealth of Virginia has been fortunate to have JOHN on their side. He has been an asset not only to his state, but also to our Nation. In the course of working together for so many years, I have developed genuine respect for Senator JOHN WARNER. I thank him for years of distinguished service and wish him the very best in all his future endeavors. My wife Nancy and I wish JOHN and his wonderful family all the best during his retirement.

LARRY CRAIG

At this time I would like to take some time to talk about Senator LARRY CRAIG and to thank him for his service here in the Senate and for his service and dedication to his home State of Idaho.

I have been fortunate enough to work with Senator CRAIG on many of the same issues over the years. More often than not we were on the same side of those issues. We worked for many hours together on energy policy, and more specifically, nuclear energy policy. In addition, the States we represent, New Mexico and Idaho, are similar in that they are both in the west, are largely rural, have vast swaths of Federal land, and are home to Federal research laboratories. These similarities—between the States we represent—brought us together by way of common interests on many of the same policy subjects.

Senator CRAIG and I served on the Appropriations Committee together for many years. During that time, we worked together to make sure the Departments of Energy and Interior were taken care of in terms of funding. As many of us know, Senator CRAIG comes from a strong agriculture background. At times we had to try to fend off, as best we could, efforts to change the Milk Income Loss Contract program. The changes to the program would have compromised dairy producers from each of our home States. Dairy farmers in New Mexico and Idaho knew that Senator CRAIG was a formidable ally for their cause, and I thank him for his help and support.

As chairman and ranking member of the Energy and Natural Resources Committee, I have always admired Senator CRAIG's command of public lands policy. He has been a great leader on public lands issues throughout his career and without the leadership of Senator CRAIG, we would have never been able to pass the Healthy Forests bill in December 2003. It was also through his leadership we passed the Secure Rural Schools and Community Self-determination Act which has been so important to both our states. He led the Republican side on public lands and forest issues as chairman or ranking member of the Public Lands and Forest Subcommittee from 1995 until 2007.

Some of our most important work together took place in the nuclear arena. Senator CRAIG has done a tremendous job of promoting nuclear power as a safe, reliable and clean source of energy. I appreciate his outstanding work on nuclear matters, and I appreciate his support and encouragement along the way for my efforts in this important area.

Many people know that because of where we live and what we do in our States, Senator CRAIG and I naturally work on similar matters. That is as it turned out. I will talk about some matters that have been very big for our country that are not natural to our States.

First, I served with him on the Committee on Appropriations for a number of years. We worked together on energy policy and, more specifically, nuclear energy policy. The States we represent are home to national research laboratories.

As many of my colleagues know, Senator CRAIG comes from a strong agricultural background. At times, we had to try to fend off, as best we could, efforts to change the Milk Income Loss Contract Program, called the MILC Program. That sounds like something we should all be for. It turns out that dairy farmers in New Mexico and Idaho knew Senator CRAIG was a formidable ally when it came to subsidies that would help some and hurt others. We were generally on the hurt end because we were smaller States that had that particular set of facts. We worked hard

on those issues. I learned to respect him greatly.

He led Republicans on public lands issues and forest issues as chairman and ranking member of the Public Lands and Forest Subcommittee from 1995 through 1997. This led to the enactment of the healthy forest bill in December of 2003—I was part of that with him—and the Senate Rural Schools and Communities Self-Determination Act, which was his. I am sure most of the thinking to put it together was his. It was an absolutely stellar bill that got assistance to schools across his State and other Western States that lost some or all of their revenues for their schools because of the curtailment of timber sales in the area. He and the distinguished Senator from Washington worked together to get this done.

Senator CRAIG and I have spent a great deal of time on matters pertaining to nuclear power. Nuclear power is making a renaissance in America. We will soon have many of them built in the United States. We have more than any other country in the world, but we only get 20 percent of our electricity from nuclear power. Countries such as France have gone way ahead of us and now have 75 to 80 percent. Other countries of the world have as well, since America has made its bid, saying: We are going to change our minds, for which I am very proud. I took the lead in that, with LARRY's help, and we have changed America. With it has come a renaissance in nuclear power.

I wish him the greatest success in his retirement. I am sure we will hear from him. He is too young to be quiet. He will be doing something, and we will hear about it.

CHUCK HAGEL

I also wish to take this time to pay tribute to CHUCK HAGEL, the senior Senator from Nebraska, who is retiring after serving for two terms in the Senate.

Senator HAGEL, a fourth generation Nebraskan, has served his State and his country in many ways. He served as an infantry squad leader with the U.S. Army's 9th Infantry Division and is a decorated Vietnam veteran, having been awarded many honors including two Purple Hearts. As a U.S. Senator, CHUCK HAGEL has served on four committees: Foreign Relations; Banking; Housing and Urban Affairs; Intelligence and Rules.

During his time in the Senate, coinciding with mine, it has been my pleasure to work with the distinguished Senator on issues affecting our Nation. I can recall a chance meeting between a member of my staff, one of my constituent groups from New Mexico and Senator HAGEL, in which he took time out of his busy schedule to speak with my New Mexico constituents to offer his insights and share some very kind words. Such a small genuine instance like this made all the difference in their trip to our Nation's Capital.

As I said, when he came here, for some reason, I think I became one of his very first friends. He must have decided that I was a big chairman, and when I went on a trip with the Budget Committee to Europe, I asked him if he would go, and he jumped to it. So we got to know each other during the first 2 or 3 months of his term on a trip to Europe where we learned about the new monetary system that was about to take place in Europe. We did a number of other things together.

Obviously, he has been an exemplary Senator in all respects. He will return to his State and to America filled with ideas and ready to do other things for this great land. My wife Nancy and I wish CHUCK and his family all the best.

WAYNE ALLARD

Now I rise to speak about Senator WAYNE ALLARD from Colorado who announced in January 2007 he would not seek reelection in 2008, keeping his promise of only serving two terms. I would like to thank WAYNE for his service here in the Senate and for his service to the State of Colorado.

In the course of working together with Senator ALLARD for many years on the Senate Budget Committee and more recently on the Senate Appropriations Committee, I have developed genuine respect for Senator ALLARD. We have a lot in common, fighting for the interests of our predominantly rural, Western States. Although we did not always agree, we worked well together, and I valued his commitment to his home State.

Senator ALLARD announced in January of 2007 that he would not seek reelection in 2008, keeping his promise to serve only two terms. Some of us were sorry that he did that. I was one. I would like to thank WAYNE for his service in the Senate, for his service to the State of Colorado, my neighbor.

We worked together for many years on the Budget Committee. More recently, we worked on appropriations. Colorado is my neighbor to the north, and we have much in common in fighting for the interests of much of our rural way of life that Western States have. At the same time, we have growing metropolises with the problems of transportation and the like, which he has spent much time on. He has supported many things I have worked on. For that, I am grateful and thankful to him today.

He and his wife Joan will return to non-Senate life. I don't know if he is going home. I haven't asked him personally. But wherever he goes, it is obvious he will make an impact.

BANKING LESSON

Mr. DOMENICI. Madam President, I want to give a little history lesson on banking. It is strange that I only served on the Banking Committee 2 years of my Senate life. That was when I filled in. I served and learned a lot. But when this crisis came about, I decided that somebody was going to teach me about what had happened since the Great Depression. So I am going to try to do that as quickly as I can.

First, it is not time for partisan ideological finger-pointing.

Second, there is no plan that can emerge from any set of honest deliberations that will be painless. We are undergoing a massive deleveraging in the finance markets.

Third, I was chairman of the Senate Budget Committee when the Resolution Trust Corporation was formed in order to curb the savings and loan crisis of the early 1990s. That effort was also controversial. I hope the plan that emerges from Congress and the administration does the same for financial markets now. I recognize the difference between the two. The first was much easier because there were many physical assets we could look at and transfer title to, and people could feel assets. I would say that, as a model, that terrible situation ended with the Federal Government making money instead of losing money.

From everything I know about the proposal, the principal proposal put forth by the executive branch through the two spokesmen who have been working 24 hours a day nonstop, the chairman of the Federal Reserve, an absolute expert in this field—it has been said over and over that he knows much about recessions and he knows much about depressions. He wrote his professorial doctorate thesis on the Great Depression. That is why he talks as if he knows what happens in depressions. He has been telling us what will happen if we go into a depression. Then we have the Secretary of the Treasury, whom we all have gotten to know. He apologizes profusely for not being a great speaker, but he has presented a difficult plan and come a long way.

I, for one, hope we come to a resolution soon between Democrats and Republicans and the White House, speaking through their spokesmen, and send a signal to the American people that we know how to take care of the financial markets—not Wall Street, the financial markets—of America. The financial markets, not Wall Street, are plugged. They don't work right now. They don't run. They are filled with toxic assets. We have to get the toxic assets out or else we will have no liquidity in the financing system.

Some say the basic problem goes back to 1933 and the so-called Glass-Steagall Act that separated investment banking from commercial banking. Some say that, to the contrary, if Glass-Steagall were still the law of the land, we wouldn't have the problems we now confront. Both sides cite great scholars, economic theorists, and market gurus, but both Democrats and Republicans voted for the original Glass-Steagall. In 1999, under the leadership of President Clinton and Treasury Secretary Rubin, Glass-Steagall was repealed. Now many say that repeal of Glass-Steagall has caused the problem.

I should note that Republicans controlled the Congress then and Democrats controlled the executive branch. Both parties played a role.

Some contend that the problem goes back to 1977, when Congress passed the Community Reinvestment Act requiring that financial institutions finance home purchases to borrowers who were historically deemed unlikely to pay back the loans. The theorists say that when politicians try to determine who is a good borrower, both the borrower and the lender will suffer. I think we will look back on this effort to save the system and that conclusion will become a reality. Let me repeat. Some say that when we try to determine who is a good borrower and make a determination rather than letting the market make the determination as to who is a good borrower, we both suffer. Those who lend the money don't get paid, and those who buy don't get what they bought. That is sort of what has happened here. Many of those became the toxic assets that we are now talking about. The Reinvestment Act, which both Democrats and Republicans voted for, was an act that attempted to push loans that were questionable in terms of whether the people buying could ever pay them off.

Some say we should have seen this coming. They note that the savings and loan crisis came not too long after the Garn-St. Germain Act of 1982 that loosened regulation of savings and loans in America. The law drew the support of both Democrats and Republicans and was signed into law by a Republican President. This argument says that when regulation of Government-insured money loosens, the odds that extremely risky behavior will occur increases.

During the last 10 years, as regulation of markets decreased, globalization of markets increased. More and more complicated and model-driven financial products were invented, and regulators clearly lost the ability to analyze risk and to step in when necessary. Many believe the Long-Term Capital Management debacle was an early warning that financial mathematicians in the marketplace had gotten ahead of the financial regulators. Warnings about the size and complexity of derivatives of all sorts proliferated. Many policymakers asked aboutthe size and complexity of these derivatives of all sorts and could not get answers and could not understand some of that which they were being told. Many policymakers and regulators assumed that the financial companies themselves would realize that proper risk analysis was in their self-interest and self-regulation would naturally occur. That assumption has proved wrong. Many purchasers of these convoluted products were reassured because rating agencies continued to give so many of them AAA ratings. Instead of going through the extremely difficult process of analyzing each and every component of each and every product, purchasers depended upon the ratings agencies. So some analysts now say it was the rating agencies that failed.

Finally, we all recognize that turmoil plagues all markets worldwide. Many nations and institutions in many countries now own what are called ''toxic assets.'' I have just tried to describe them a minute ago.

Literally trillions of dollars of various complex financial products are held by many banks, investment houses, pension funds, and insurance companies in almost every developed nation. China has had to step in by increasing Government shares of some banks. Russia closed down its markets for 2 days and may spend as much as $120 billion to stabilize its markets. Germany and the United Kingdom have had to devote billions within the last 18 months to try to stem financial contagion. Serious erosion of confidence in financial institutions threatens to freeze credit, with all the disastrous consequences that holds for a financial world built on easy, safe, transparent credit. Now credit is hard, insecure, and opaque.

So, I will not pretend to know if the plan proposed by the administration and some in Congress will solve the problem. Since no one seems to know what shape this plan will take in the end, any predictions seem foolish at this point. I do know that the size of the potential market injury, and the consequences that the working man and woman in this and other nations will suffer, compel serious, strategic sovereign government action. Thus, I believe the warnings of a Federal Reserve Chairman who probably knows as much about the financial consequences of the Great Depression as anyone else in town, and the warnings of a Treasury Secretary who used to head a Wall Street firm that invented many of the instruments that now seem ''toxic.'' If they don't know the severity of this problem, and if they cannot at least give us a plan that will stabilize market behavior until a clearing price for these assets emerges, then I suspect that no one can.

We will pass legislation that I guarantee you will be imperfect. All sorts of objections from various industries and groups have already filled cyberspace, and newspaper space, and air time. Ideological and theoretical objections already fill the atmosphere. It seems to me that the time for such almost theological discussions is long past. As a Senator who has been here a long time, and seen many recessions and market crises come and go, I only know two things: we are all to blame in some form or other; and we need to act now, with a very large, Government-led program, and with all prudent speed.

Madam President, I believe my time is about to expire.

I certainly hope we will pass something like what has been asked of us by the executive branch, with five or six things that clearly are necessary, that we find necessary as representatives of the people, but that we get it done because we must save our own ability to lend money—that is, our system of borrowing and lending—and the rest of the world kind of waits on us also.

So this is truly a big one. As I said to my hometown paper, after 36 years in the Senate, on the last day or next to the last day of my time here, I will vote on the most important issue I have ever voted on, the most complex, and that costs the most—all in one shot. As I leave and walk out, here will be behind me the most difficult issue we have faced as a Nation. It is very hard for our people to understand it, but it is a terrible one.

FERC

Mr. CORNYN. Madam President, I note that the distinguished ranking member of the Committee on Energy and Natural Resources is on the floor. I wonder if I might address a question to my good friend from New Mexico. Many are alleging that one of the root causes of our current financial distress stems from insufficient regulatory oversight of financial markets. That is a criticism which some allege to be applicable to our Nation's energy markets—the theory apparently being that lax oversight has allowed speculators and manipulators to artificially increase prices for oil and gas. Given that you were Chairman of the Energy Committee at the time of passage of the Energy Policy Act of 2005 I wonder if you might want to comment on the regulatory authorities that were addressed in that act. As I recall, EPACT significantly increased the Federal Energy Regulatory Commission's ability to not only oversee markets but to punish manipulation within those markets.

Mr DOMENICI. The Senator is absolutely correct. We enhanced FERC's authority to police and prevent market manipulation and we increased the Commission's authority to levy fines to $1 million per day. It was our thinking that the potential for fines of this magnitude would serve as a meaningful deterrent to market manipulation. While I am a long time supporter of markets, I agreed to the grant of enhanced penalty authority to the FERC as a step to ensure that those markets were conducted fairly, openly, and without the exercise of market power by any of the participants.

Mr. CORNYN. Madam President, I appreciate the comments of my colleague, and I share his sentiment both toward the desirability of markets and the need to ensure that those markets operate fairly and efficiently. My specific inquiry relates to the standard of review which attaches to any enforcement proceedings under these enhanced authorities. While I agree with the need for greater oversight in the operation of these markets, it seems to me that along with its enhanced oversight authority the FERC has an obligation

to protect the due process rights for those against whom it might bring causes of action. Did EPACT bring about any change in the standards of review which would attach to enforcement proceedings under these new authorities?

Mr. DOMENICI. I think the Senator's question is well informed, and I can assure him that there was no intent to change the standard of review which would attach to any enforcement proceeding. The longstanding practice has been for the accused party to have rights to a de novo review of the charges in Federal court. Such rights are necessary to ensure that the agency does not act as both prosecutor and judge in any enforcement proceeding. That right is clear, not just in the case law but in other statutes administered by the FERC, including the Federal Power Act and the Natural Gas Policy Act. There is no suggestion and there can be no inference that we intended to change that standard with our enhanced market oversight provisions in the Natural Gas Act.

Mr. CORNYN. I thank my good friend for that clarification and for the wisdom he has brought to Federal energy policy.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mrs. DOLE. Madam President, let me say, first, following one of my dearest friends in the Senate, I cannot tell you how much I admire and respect this great man and how much he will be missed in the Senate.

Mr. DOMENICI. Madam President, I say to the Senator, thank you very much, Senator DOLE.

GAS SHORTAGES

Mrs. DOLE. Madam President, we all know high gas prices are the source of tremendous frustration to individuals, families, and businesses alike. I am greatly discouraged that yet another week has gone by and no action on a comprehensive energy policy has taken root in the Senate. Our country deserves better than the lack of leadership in Washington that has been shown on this issue the past 2 years.

We need a comprehensive energy policy, but right now in North Carolina we just need more gasoline. My State faces a gas shortage of crisis proportions. In western North Carolina, Asheville-Buncombe Technical Community College and Southwestern Community College have both canceled classes for the rest of this week because students and professors cannot get to class. My office has been assisting senior citizens who need help getting to doctor appointments because public transportation systems are struggling to meet increased demand. Businesses are closing early, cars are being left on the side of the road, and families are staying home just to conserve gasoline. The ripple effects of this gas shortage are resonating throughout North Carolina and the Southeast.

I know folks in western North Carolina are being particularly hard hit, and I want them to know I have heard them and we are acting to bring relief. My office has been in daily contact with constituents, State and local officials, gasoline refiners and distributors, and our Federal agencies. In response to the shortage, today my colleague, Senator RICHARD BURR, and I have written to the Secretary of Energy requesting him to tap the International Energy Agency's emergency gasoline and diesel fuel supply. An IEA release can help alleviate some of the supply constraints we are feeling in the United States. This is a prudent and responsible step which is on the scale of our efforts post-Katrina and Rita, and there is no reason the Secretary of Energy should not take this action.

Additionally, Senator BURR and I have introduced legislation today that will help prevent in the future a situation such as the one we find ourselves in today. The Motor Fuel Supply and Distribution Improvement Act of 2008 will reduce the proliferation of boutique fuels and streamline the process of getting more affordable and reliable product to western North Carolina, Charlotte, the Southeast, and across the country. With this legislation, we will no longer have to rely on an EPA Administrator to issue a waiver in times of crisis or be held victim to a policy that creates hurdles to getting gasoline to consumers when they need it most.

We also know this particular shortage is a result of Hurricanes Gustav and Ike, which devastated the gulf coast and its infrastructure. Being from a State that has been hit by its fair share of hurricanes, my heart goes out to the people of the gulf who have endured far too much disaster for one lifetime, and we will do everything possible to support them and help them rebuild.

Of strategic consequence, however, the refinery and pipeline closures in the gulf as a result of the storms highlight a glaring energy security issue for our country. It makes little sense to have a quarter of our country's refining capacity located so densely in one area. We have far too few oil refineries in America, and right now in North Carolina we are experiencing the harmful consequences of a policy that has greatly inhibited the building of new refineries in America.

We need to get to work building new refineries right here at home. In fact, for years I have been calling for streamlining regulations so more refineries can get built, only to have special interests stand in the way. The Gas Petroleum Rifiner Improvement and Community Empowerment Act, or Gas PRICE Act, which I have supported since 2005, would streamline the process for the construction and operation of a refinery so we can build additional refineries and create new jobs in North Carolina and throughout the Southeast. This is a sensible approach that would expand refinery capacity and lower gas prices.

Significantly, with this plan, our country would no longer be so dependent on one area to provide us with so much of our gasoline. As we saw in the wake of Hurricanes Katrina and Rita, we need to expand refining capacity and production so that even in the face of crisis situations our fuel supply system continues to function and support American businesses and consumers.

Now Hurricanes Gustav and Ike have reinforced that same message. North Carolinians can no longer afford Congress's inaction on our energy future. It is time to put the special interests aside and do what is right for our country.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. KOHL. Madam President, I ask unanimous consent to speak in morning business for approximately 6 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KOHL. Thank you, Madam President.

WALL STREET BAILOUT

Mr. KOHL. Madam President, today we are facing a historic economic crisis. We have been told by the Secretary of Treasury and the Chairman of the Federal Reserve that we stand on the edge of a financial cliff and that we are looking down on a potential disaster that this country has not seen since the Great Depression. We have seen historic financial firms and banks with household names swept away in a matter of weeks. These massive changes have left the American people worried, confused, and angry.

In the wake of this chaos on Wall Street, the administration has come to Congress with a plan they believe will calm the storm. They came to us with few details—only three pages. They told us we need to move immediately, that delay was dangerous. We were told that oversight of the bailout would be a burden and just slow everything down. We were told to hand over the money and simply get out of the way.

The administration asked the American people for a $700 billion blank check. Wall Street and the administration are asking hard-working Wisconsinites to bail them out, to buy assets that no one wants, to go further into debt to China so that banks and financial institutions can avoid bankruptcy. My constituents, the people of Wisconsin, cannot understand how we got to this point and why they should be asked to foot the bill. They are furious, and I do not blame them.

I share their anger. As a businessman, I am shocked and appalled that the supposed best and brightest on Wall Street allowed their companies to purchase dangerous assets they did not understand, that these people gambled with the money of millions of Americans, and now they expect those same Americans to come to their rescue.

These supposed titans of Wall Street owe the American people an explanation. We are being asked for the staggering sum of $700 billion, but not one CEO has come to Capitol Hill to apologize for their part in creating this awful mess. To add insult to injury, when Congress tried to limit CEO compensation for firms that would benefit from the plan, the administration resisted. They had the nerve to ask my constituents—who make about $48,000 per household—for money while they keep their multimillion-dollar salaries.

I think these CEOs need to come before Congress and explain how we got into this mess—and to explain their role. Now, I know they are not solely to blame. Regulators were asleep at the switch, the administration believed in letting markets run wild, Fannie Mae and Freddie Mac overextended themselves, and Congress failed to do adequate oversight. But as a businessman who firmly believes in markets, I am stunned that Wall Street engaged in the behavior that led us to this point.

I hope Congress will call some of these CEOs who are most involved in this meltdown to testify. The American people want to hear from them. I think they owe us all an apology. They should also explain what they plan to do in the future to make sure we never end up in this kind of crisis again. They should tell us what kind of regulations they think are necessary to avoid another crisis. It is the least they can do in exchange for the risks the American people are being asked to absorb on their behalf.

We have yet to see the details of this final bailout package. I am reserving judgment. I understand the delicate situation we are in and the risks we face, but I am wary of being rushed into a quick decision. I would prefer a solution that does not provide the $700 billion all at once but provides part of it now and more later, if necessary. We can reconvene and raise the amount at any time with short notice, so I do not see the necessity of providing everything upfront. Any bailout needs rigorous oversight. We must limit CEO compensation, and it should also give the taxpayers a chance to share in any profits that may result.

This is not our money we are handing to Secretary Paulson. It is the taxpayers'. I never forget who I am working for, and the people I serve are furious they are being asked to give $700 billion to the very investors who have made such bad decisions. No one wants to plunge the economy into chaos, but we need to make sure we take our time and get this right because if we do not, we will be back here again, and the stakes will be even higher.

UNANIMOUS-CONSENT REQUEST—S. 3325

Mr. KOHL. Madam President, I am going to yield the floor, but before I do, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 964, S. 3325; that the committee amendments be withdrawn, a Leahy substitute amendment which is at the desk be agreed to, the bill, as amended, be read a third time and passed, and the motions to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. Madam President, reserving the right to object, I would tell the Senator from Wisconsin I agree with the purposes of this bill. At the beginning of the 109th Congress, I held two hearings on the west coast on the policy associated with our IPs. I am strongly supportive of what you are doing. However, there is a conflict presently in negotiations on this bill about metrics and oversight which has not been worked out.

My consternation is we are going to put $300 million plus into this program, but we are not going to force the Justice Department to tell us what they are doing with it. Until such time as there are some teeth to make the Justice Department do what we tell them to do and report to us what they are doing, I am going to have to regretfully object. So I therefore offer an objection.

The PRESIDING OFFICER. Objection is heard.

ORDER FOR RECESS

Mr. KOHL. Madam President, I ask unanimous consent that the Senate recess until 5:30, following the remarks of Senator COBURN.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTELLECTUAL PROPERTY RIGHTS

Mr. COBURN. Madam President, I wish to expand a minute on the purposes of this.

The American people should know we have a law called the improper payments law where every agency is supposed to report to Congress every year the amount of improper payments, both over and under, and how that affects their budgets and their goals. Less than 50 percent of the agencies file that report with Congress. The reason they don't is because we don't make them. We don't say: Your funding is contingent upon you following the law. So, regrettably, I objected to what Senator KOHL—I actually agree with the things we are doing in the bill, but we won't accomplish what we want to accomplish if we don't make the Justice Department report to us and have metrics to see that the money we are going to spend—not ours; actually, it is going to be the money of the next generation—is spent wisely and is effective in doing what we want to get done.

It is my hope before we leave here that we can work out a compromise. I have spoken with Senator SPECTER. I have not had a chance to visit with Senator LEAHY. I intend to do that today. We have given in a lot of areas on this bill, especially the spending amounts.

I also note the Justice Department ended last year with $1.72 billion in unobligated balances. They are the only agency that gets to keep their money, and they get to decide—not us—what they are going to do with that $1.72 billion. So there is plenty of money in the Justice Department right now to do this program.

We have to decide whether we are going to put teeth in what we tell agencies to do. My hope is we will start doing that.

I was going to spend some time now talking about the continuing resolution. I am going to reserve that and try to come back at a different time and try to reach Senator SPECTER and Senator LEAHY on this IP bill in the hopes we can get something worked out.

With that, I yield the floor and note that we would obviously be in recess.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 5:30 p.m.

Thereupon, the Senate, at 4:03 p.m., recessed until 5:34 p.m. and reassembled when called to order by the Presiding Officer (Mr. NELSON of Florida).

Mr. DURBIN. Mr. President, it is my understanding the leaders are discussing the schedule for the rest of the day. Members are certainly welcome to come to the floor if they want to make statements in morning business. But in the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FLOOD DEVASTATION IN LOUISIANA

Ms. LANDRIEU. Mr. President, I know that throughout the Capitol, even at this relatively late hour, there are many meetings going on as Senators and members of the administration and House Members and leadership and rank-and-file struggle with how to address some of the major challenges before our Nation, both domestically and internationally.

Of course, Mr. President, you are aware that while all of these issues are going on, for those of us in the South, we have a special mission, if you will, and our attention has been drawn in the last few weeks to the terrible devastation that has occurred not just in Louisiana, not just in parts of Mississippi, not just in Arkansas, but, of course, in Texas as well, where not one storm, not really two, but, Mr. President, as you are aware, three pretty

major hurricanes, starting with Fay, came through Florida with drenching rain, rain, rain, and not just in the State of Florida because as that storm moved its way up through the central part of our State, it flooded vast areas of the central part of our country.

Then, as people were drying out and cleaning up from the wreckage of these storms, with levees overflowing, creeks rising, farmers struggling, and communities trying to keep dry, lo and behold, here comes Gustav into the gulf, skipping Florida this time, no direct hit—although you have been hit so many times in the last few years—but slamming right into the coast of Louisiana, as ironic as it would seem, literally almost to the day of the third anniversary of Katrina, which was the worst catastrophe. And we say natural disaster, but actually it was a manmade catastrophe because had the levees that we made held, the city would not have gone underwater, or the region. So it was both a natural and manmade disaster. On the third anniversary, Gustav comes through, with its great tidal surge in south Louisiana. It caught part of Mississippi, as well as a little bit of Texas, but it swept through all 64 parishes in Louisiana with hurricane-force winds.

Now, this is not usual for us. We usually have terrible storms, such as Hurricanes Rita and Katrina, without the levee breaks, where the damage is localized to the southern part of our State. But not Gustav. Gustav came through as a category III and then II, and then the winds moved through our entire State. Louisiana was in that path.

Just as we were catching our breath and the lights were starting to come back on after weeks, Ike comes roaring in—yes, directly into Galveston and into that path of Houston, but, as you know, the eastern bands are the worst, and to the east of Galveston and to the east of Beaumont, lo and behold, lies southwest Louisiana and coastal Louisiana yet again.

I tell my family that I feel as if—not just for me but the people I represent—we are living literally the chapters of Job, I mean for the last several years, just suffering after suffering after suffering.

This Congress has been very good, particularly the leadership now, to step up. Even at times when, in my view, the administration turned a cold shoulder for whatever reason, this Congress stepped up and did yeoman's work, basically pushing forward on 100 percent reimbursement when we needed it and, when there was some reluctance to do so at the administration level, giving us more community development block grants, and I could go on and on. We are very grateful.

But I had to come to the floor today, Mr. President, to speak again on behalf of the 64 parishes in Louisiana and the southern part of our State. Senators, of course, will speak for their own States, but I am well aware, having been in conversations with Senator HUTCHISON of Texas earlier today and Senator BLANCHE LINCOLN from Arkansas and other Senators, that the southern part of our State, particularly when it comes to our rural areas and to agriculture, is currently being overlooked, and I am here today to call attention to this fact and to try to lay out some data for the record in hopes that sometime before we leave here we might make a few corrections to this situation because it would be tragic and devastating to not just hundreds but thousands of families in these rural areas.

Right now, as I speak, people in these areas are looking out at their fields and seeing complete and total destruction. These storms hit not at planting time, not in the middle of the season, but at harvest time, and because the Fay rains delayed the harvest—and, of course, you know how our crops are harvested, Mr. President. You can't harvest crops in the middle of torrential downpours, so the farmers who were ready waited. We had beautiful crops in the field. We had soybean that looked beautiful. We had cotton. Our sweet potato crop looked promising. We are growing a lot more corn. In Louisiana, we grow it all. We are not a State that grows just one crop. We have vegetables, but primarily it is cotton, soybean, rice, and now our sweet potatoes are growing in many more places, not just south Louisiana. So our farmers were literally giddy with excitement. Only 4 months ago, we were thinking we were going to have a Record, a banner agricultural year.

I am sure people were making plans for expansion and new investments and perhaps even acquiring new land or expanding their lease arrangements. Literally within a matter of 90 days, the world turned upside down. The world seems to be turning upside down right now in another sector, in the financial markets. As that world is turning upside down, this Congress is turning with it and all attention right now is focused on Wall Street and financiers and the lack of credit in New York, on the east coast to the west coast. But I am here to tell you there is a credit crunch, a credit crisis right now in the heartland and nobody is talking much about this.

We have a $700 billion bailout bill under consideration. I have not heard in the last 2 weeks from anyone—from the Fed to the White House to many of the leadership here in Congress—about any kind of credit crunch happening in small towns, on Main Streets, the heartland, the backbone of this country when it comes to agriculture. I can tell you there is a lot of anxiety and a lot of fear where I come from.

I visited some of my farms last week. I went up to northeast Louisiana to see for myself. I have been getting calls, hearing some dire reports, so I thought I better go look and see myself because I am sure—I don't know, but I would venture to say there hasn't been anybody from the U.S. Department of Agriculture up there lately. I thought, since I am a Senator from Louisiana, I would go up and look myself.

I am going to put up some pictures here because I was so taken by what I saw that I had my staff blow up some photographs. This is the rice crop in Cheneyville, LA. Of course it is completely ruined. The rice is sprouting in the fields, unable to be harvested. These fields are not able to be drained. That is the rice crop.

I want to show a picture of our cotton crop in north Louisiana. And I have a few other photos to share about sugarcane, sweet potatoes, et cetera. This is our cotton crop right here. Again, literally 8 weeks ago this was the most beautiful cotton you could see, for miles and miles. Louisiana, even though we talk a lot about tourism and we talk a lot about the port and oil and gas, we are by nature a very strong agricultural State. Not every State in the Union is such, but we are. We have thousands of acres under cultivation. This is what our cotton looks like. It cannot be harvested. The farmers who were desperate to try to get in there and harvest what they could have been turned away at the gin because the gin is unable to process this cotton. So we are going to have 100 percent losses on some farms, 50 percent losses, 45 percent losses, at a time when the farmers have put every penny they had into their crop, waiting to pull it out. At that moment the rains came.

When you talk about a credit crunch, I know it may be tight on the east coast and the west coast, but it could hardly get tighter than in small places that I know of in Louisiana. I am sure this is true of Texas and Arkansas.

We are not asking for $700 billion. We are not even asking for $50 billion. We are not even necessarily at this moment asking for $10 billion. But we have to have something before we leave. We have to have something before we leave.

When I saw this, I thought surely the Department of Agriculture is on top of this—because I have one staff person who does agriculture—one. The Department of Agriculture—I don't know, but I am going to put in the RECORD how many employees they might have. I am sure it is thousands. I am going to put into the RECORD the exact number. So I say to myself: Don't worry, Senator, there is a whole Department of Agriculture out there. Surely the people whose job it is to record this would have been down to either Louisiana or Texas or Mississippi or Arkansas to take pictures and maybe help declare a disaster.

On Wednesday I had a hearing and asked the Secretary to come before our committee, to ask him if he has the intention of declaring a disaster in Louisiana. He said he was not sure. When I pressed him for when he might declare a disaster, he did not know. They said they are getting the figures in as we speak.

I have the figures from our Commissioner of Agriculture. I am going to submit them for the record. But the preliminary figures that we have been scrambling to get in the last few weeks, from L.S.U., and from our research centers and extension service centers, say it is a minimum of a $700 million loss just in Louisiana.

I know Texas is still struggling. The people just got back to Galveston yesterday. We still cannot get into Cameron Parish, which is the parish closest to Texas, along our border, because it is that devastated and flooded. We only have 10,000 people who live there, but it is a great farming and ranching community. Yes, I admit our numbers are not completely in from Cameron. But it doesn't take a month to get numbers from Richland Parish. It doesn't take a month to get numbers from Madison Parish. I suggest somebody who works for the Department of Agriculture might want to spend a little time looking at central and north Louisiana so we can get our numbers in.

I thought not only would they do that, they would have declared a disaster and we would have a program to help. You know what I found out when I came back? We had created a program in the last farm bill—that is the good news. The bad news is the regulations have not yet started to be written.

Let me be clear. We passed a bill. There is a new program. They have started very briefly to write these regulations but, according to the testimony I received—I am going to submit the full testimony for the RECORD—the regulations are ''not imminent.''

I will wrap up. I ask unanimous consent for 2 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. The Under Secretary said—when I said, Could these regulations be written in 3 months? Could they be written in 6 months? Could they be written within the year?—Let me just say, Senator, ''they are not imminent.''

I said, What exactly does that mean? So our farmers have nowhere to ask for help?

Well, that is about it.

That answer is not acceptable to this Senator. If we are dealing with a credit crisis and can, in 5 days or 7 days, put together a $700 billion bailout for the financiers who bet on the price of cotton and soybean and wheat and sweet potatoes and sugarcane, we most certainly can spend a few days and a few billion dollars supporting the men and women who actually grow it.

That is why I am going to spend some time today, tonight, tomorrow and the next day, until I hear from the leadership—the Republican leadership, the Democratic leadership, or from the leadership at the White House—about what we can possibly do to get some help to farmers in the middle of the country who need our attention.

The program that will help them, the regulations have not been written. They can't even apply until next year. They have to go to the bank next week. When they go to the bank, if we don't do something here, the bank is going to say I can't lend you money because I can't get it from the elevator, the elevator can't get it from the importer or exporter, and it is a chain event that will result for the people whom we all represent—who have not borrowed one penny inappropriately, who were not engaged in subprime mortgages. All they do is work hard before the Sun comes up and as it goes down they are still working; who pay their bills and pay their mortgages. In their time of need this Congress is going to walk out without leaving a few pennies on the table for them? I don't think so.

I have brought this to the attention of the Appropriations Committee in a letter I wrote several weeks ago. I guess the letter was not written strongly enough to get the attention we needed, so I am going to continue to speak and make phone calls and hold meetings and organize as best I can a group of Senators and House Members who represent the southern part of this country and the breadbasket of America, the central interior part, to say while we are bailing out the financial coasts, we have our energy coast, which is a whole other speech that I could give, underwater, our rigs are toppled, now our crops are down in the field down in the south, in the gulf coast, and we cannot even get a quorum in a meeting to take care of this.

Let me say generally, the chairman of the Agriculture Committee, TOM HARKIN, has been very sensitive. I brought this matter to him and he conducted a joint hearing with me, so I thank publicly Senator HARKIN. I thank KAY BAILEY HUTCHISON for phone calls and meetings. I thank BLANCHE LINCOLN. I am sure there will be other Senators who can recognize the damage done, not just to Louisiana but to their States as well, and recognize that the program we have, the regulations have not been written and it is not going to help.

Let me also mention Senator KENT CONRAD who helped design that program. He has said to me, and will probably speak on this, that he recognizes the program that has been designed is not sufficient and we do need special help.

I am going to conclude by saying I will be back on the floor in the morning and many times throughout this weekend as we work through these major bills on defense, homeland security, the Wall Street bailout. But I am going to continue to press for some appropriate immediate relief, targeted and specific to the counties and to the parishes and farmers and farm communities that need the most help. Certainly these Americans who have done nothing wrong but work hard and just got caught in a confluence of terrible rains and bad storms can get the help they need.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 2008

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 6063 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6063) to authorize the programs of the National Aeronautics and Space Administration, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Nelson of Florida and Vitter substitute amendment, which is at the desk, be agreed to; the bill, as amended, be read the third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5648) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

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

The bill (H.R. 6063), as amended, was read the third time, and passed.

Mr. NELSON of Florida. Mr. President, we have just passed the NASA reauthorization bill. It is noteworthy that next week, October 1, is the 50th anniversary of the start of the National Aeronautics and Space Administration, and if my colleagues will recall, that was 1958. My colleagues may remember what was happening. The Soviet Union had surprised us by putting into orbit the first satellite, Sputnik, and America, in the midst of the Cold War among two superpowers, was absolutely shocked that we were behind in our technology; that we could not be premier. Then, lo and behold, 3 years later, they shocked us again by putting the first human in orbit, Yuri Gagarin, for one orbit when, in fact, we only had a rocket, the Redstone, that could get a human into suborbit. Then, we put Alan Shepard and subsequently Gus Grissom in suborbit, and then, in the meantime, the Soviet Union put Titov into several orbits. Of course, the

eyes of the world then focused in on Cape Canaveral, when a young marine, one of the original seven American astronauts, named John Glenn, climbed into that capsule knowing that the Atlas rocket had a 20-percent chance of failure. He rode it into the heavens for only three orbits. There was an indication on the instrument panel that his heat shield was loose, and as he started the deorbit burn, John Glenn knew that if that was an accurate reading, on reentry into the Earth's fiery atmosphere, heating up in excess of 3,000 degrees Fahrenheit, he would burn up. It is that memorable time when we heard his last words before he went into the blackout period on radio transmissions: John Glenn humming ''The Battle Hymn of the Republic.'' It is hard to tell that story without getting a lump in my throat.

Of course, what then happened, months before we flew John Glenn, we had a young President who said: We are going to the Moon and back within 9 years. This Nation came together. It focused the political will, it provided the resources, and it did what people did not think could be done.

A generation of young people so inspired by this Nation's space program started pouring into the universities, into math and science and technology and engineering. That generation that was educated in high technology has been the generation that has led us to be the leader in a global marketplace by producing the technology, the innovations, the intellectual capital that has allowed us to continue to be that leader.

So it is with that background that this Senator, who has the privilege of chairing the Space and Science Subcommittee within the Commerce Committee, wants to say: Happy birthday, NASA. We are sending to the House of Representatives tonight this NASA reauthorization bill, which will give the flexibility to the next President, and his designee as the next leader of NASA, the flexibility in a very troubled program that has not had the resources to do all the things that are demanded of it to try to continue to keep America preeminent in space; also to continue to have access to our own International Space Station that we built and paid for; and then to chart out a course for the future exploration of the heavens that will keep us fulfilling our destiny of our character as an American people, which is that by nature we are explorers and adventurers.

We never want to give that up. If we ever do, we will be a second-rate nation. But we would not because we have always had a frontier, a new frontier. In the development of this country, it used to be westward. Now it is upward and it is inward and that is the frontier we want to continue to explore.

So happy birthday, NASA. It is my hope that we will have the House of Representatives take this up on their suspension calendar tomorrow.

I wish to give great credit to the staff who are in the room for the majority and the minority. They all have worked at enormous overload—Chan Lieu and Jeff Bingham. Jeff, despite the fact of having suffered a heart attack earlier this year, and we didn't even let him out of his recuperative bed but that I was on the phone with him getting him to start corralling all these other Senators and House Members so we could get a consensus, so we could come together in an agreement.

The result tonight is the fact that this has been cleared in a 100-member Senate, when Senators are on edge and they are always looking for something to object to, and there is no objection here, as ruled by the Presiding Officer.

My congratulations to all the people, to the staff of the Commerce Committee, and to the staff of the Science and Technology Committee in the House of Representatives, chaired by Congressman BART GORDON of Tennessee. I am very grateful for everybody coming together and making this happen.

Mr. VITTER. Mr. President, I am delighted to join my subcommittee chairman, Senator BILL NELSON, in bringing this legislation to the floor for consideration and passage. I share his belief that this legislation is an important statement of overwhelming congressional intent regarding the future of our Nation's civil space programs.

This statement, in the form of legislation we expect to have the near-unanimous support of the Congress, comes at a crucial time for NASA and its important programs. Not only do we, as authorizing committee members, believe it is our responsibility to regularly and consistently offer legislation to authorize appropriations levels, but also to provide a policy framework and guidance for the effective and efficient use of those appropriations. The passage of this bill will represent the first time in over 20 years that NASA authorization bills will have been adopted back-to-back by the Congress.

This week we celebrated NASA's 50th anniversary of the legislation that brought NASA into existence on October 1, 1958, and began this Nation's concerted effort to explore the heavens above us, and the universe beyond.

NASA also finds itself at a unique moment in its history, where it is undertaking a major shift in its contribution to the human exploration and utilization of space. In just two more years, we will see the completion of the International Space Station, which NASA has been developing, in cooperation with its 16 international partners, to serve as a unique laboratory in space—one that will finally be equipped with its full complement of research facilities, and inhabited by a full crew of six astronauts and researchers.

Three years ago, the Congress enacted legislation which, among many other things, designated the U.S. portion of the space station—and the roughly fifty percent of our partner-built laboratories that we are allocated in exchange for launching and operating the station and its modules—as a National Laboratory. Already we are seeing the interest in using those unique orbiting facilities increase, as Memoranda of Understanding have been signed between NASA and the National Institutes of Health and the U.S. Department of Agriculture to pave the way for their use of those facilities for research that will benefit life on Earth. Other agreements have been signed and more are under development. The research future of the space station is beginning to shine brighter than it has in recent years.

NASA is preparing itself to turn its own focus outward from the Earth, once it has completed paving the way for others to carry forward the utilization of the space station and low-earth orbit. This legislation, like its predecessor in 2005, underscores the congressional commitment to see that new mission move forward—and even more quickly than currently planned, in terms of developing the postshuttle vehicles that will enable that new Vision for Exploration.

I am especially pleased that this legislation includes the clear recognition of a unique and important facility in my own State—the Michoud Assembly Facility—the important role it will play in the development and production of the space shuttle replacement vehicles, as it has done for over a quarter of a century in the space shuttle program. It includes language that will help to clarify the details of that role, for Michoud and for the other NASA facilities and Centers that most directly support human space launch development and operations, such as the nearby Stennis Research Center, the Marshall Space flight Center, Johnson Space Center, and, of course the Kennedy Space Center.

All of these facilities—and their extremely talented and capable employees—are facing what could be a difficult transition, as one system winds down and another grows up to take its place. This legislation demonstrates that the Congress is aware of the fear and uncertainty that can accompany such a transition, and includes initial steps we have taken to mitigate these concerns and address the impacts of such redirection of work and skills. We must act quickly and effectively to minimize the disruption of jobs—and people's lives and livelihood. Some of those impacts are already being felt, in Michoud and other facilities, as certain of the activities to support the space shuttle program are already winding down. The legislation includes language to help us know, well in advance, when more of those kinds of changes will occur, so that we can monitor them and ensure the tools and resources are in place to deal with them.

We have also been able to address the situation that has arisen recently as

the result of concerns about availability of Soyuz vehicles to ensure we can have crew access to the space station—and a crew escape capability should it ever become necessary for the crew to quickly return to Earth. While specific steps are being taken in other legislation to address this issue, which is outside the jurisdiction of the Commerce Committee, our bill will ensure we will retain the option, at least, to continue space shuttle flights for some period of time, should that prove to be necessary to ensure effective use of the space station. The bill ensures that such an option is preserved, at least until the end of April, next year, so that the new administration and the Congress will have time to consider the need or desirability of taking that step. And the bill includes a provision that will ensure the Congress will have the results of a study already under way within NASA, which would identify and quantify a range of options for continued shuttle operations over a range of time periods.

An important message this legislation is intended to send is that NASA should have the resources it needs to carry out the unique and valuable programs that it is asked to conduct for the American people. Those programs include a wide range of activity beyond human spaceflight. Space Science, such as carried out by the Hubble Space Telescope and the other Great Observatories, and the incredible success of Martian rovers and interplanetary probes, are not only exciting and thrilling to watch, but, like their human spaceflight counterparts, help inspire entire generations to pursue science, technology, engineering and mathematics in school—and help guarantee the Nation's strong leadership role in the global community of nations. NASA's Earth science programs provide answers about our own spaceship Earth that are essential to help us understand and use the resources our earthy home wisely and understand the true nature of our impact on the environment, and ways we can help mitigate those impacts responsibly.

Research in advanced concepts in aeronautics carried out by NASA plays a key role in ensuring the safe and efficient operations of our aviation industry, and in identifying the new technologies and systems that will drive the future developments of aeronautics systems and vehicles that we cannot even imagine today.

In short, the legislation provides a balanced level of funding and emphasis on all of NASA's key missions. To do all of these things, we have increased the authorized funding levels for NASA more than $2 billion above the amount requested for fiscal year 2009. We do not do so with the expectation that such an increased level of funding will be able to be appropriated. We understand the fiscal challenges we all face and I am among those who has and will always stand for reducing the size of government and ensuring that the government moves more in the direction of doing only those things that cannot be done by the private sector.

I believe that what NASA does, when it works at the leading edge of science and exploration, is doing things that no other entity, public or private, can do. We must be sure to always be alert, however, for opportunities for NASA to help private and commercial entities use the new technologies and techniques developed in research to place themselves in a position to move into areas once seen as the purview of NASA—such as the commercial orbital space transportation system, intended to enable private entities to provide launch and cargo—and one day crew—delivery to and from the International Space Station. This legislation includes provisions to help ensure the expanded development of a commercial space industry that can effectively—and economically—operate in both low-earth orbit and eventually participate in the exploration of the Moon—and beyond.

I believe we need to view the funds authorized to accomplish NASA's objectives more as investments than simply expenditures. We have had 50 years of experience which demonstrates that money invested in NASA programs yields technology gains and scientific excellence that has provided massive returns on that investment. One doesn't have to look very far to see the benefits to mankind from those programs. To list them all—even the obvious ones—would take volumes.

In years past, there have been efforts by private economic experts to quantify the value returned to the economy of this Nation from the product of NASA research and exploration. Those estimates have ranged from $7 to $9 returned to the economy for every dollar spent by NASA. Such estimates are hard to prove beyond a shadow of doubt and are based on assumptions that mayor may not be valid. But even if they are wildly exaggerated, and the return on investment is only something like $1 back to the economy for every dollar spent. How many government programs could one say that about?

I have described some of what I believe to be the very important and positive aspects of the legislation and the agency programs and initiatives it supports. We also have important and difficult issues that will need to be addressed which we have not been able to fully deal with in this bill. Many people are deeply concerned about the fact that, between the retirement of the space shuttle, planned for 2010, and the availability of the Ares 1 Rocket and the Orion Crew Exploration vehicle, there could be a 3- to 6-year gap, during which this nation would not have the capability to independently launch humans into space. That this period of time—however long it proves to be—would begin, under the present plan, precisely at the time we have finally completed the space station and it is available for research and scientific uses, makes that gap even less acceptable. It makes little sense for us not to be able to get U.S. scientists and astronauts there to conduct the long-awaited research that can only be done in that unique microgravity environment.

As I mentioned we have attempted to address part of that problem in language and authorized funding that would accelerate the development of shuttle replacement vehicles. That addresses the ''back end'' of the gap. But I would like to have seen more flexibility in the bill to enable the assessment of other options, besides extension of the shuttle program, or even in combination with that, to develop alternative capabilities in the short-term. We were unable to preserve the flexibility we had started with in our reported bill during the preconferencing and negotiations with the House leading to the agreement on the language we are presenting today. But I hope we will be able to more thoughtfully and fully address that issue as we begin next year to develop the next NASA Reauthorization Act.

I believe this legislation represents a strong and important message of support for ensuring the United States maintains its leadership position in space exploration. I remind my colleagues that the substitute amendment we are offering has been fully agreed to in advance by the House Science Committee, and the amended House bill can be swiftly accepted by the House when we return it to them, and sent to the President before this Congress adjourns for the year. I urge my colleagues to support passage of our substitute amendment to the House bill.

GREAT LAKES LEGACY REAUTHORIZATION ACT OF 2008

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6460, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A 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.

There being no objection, the Senate proceeded to consider the bill.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that a Levin amendment, which is at the desk, be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5649) was agreed to, as follows:

(Purpose: To limit the duration of reauthorization)

Strike section 3(f) and all that follows and insert the following:

(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 $50,000,000 for each of fiscal years 2004 through 2010.''; 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) 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 ''2010''.

SEC. 4. RESEARCH AND DEVELOPMENT PROGRAM.

Section 106(b) of the Great Lakes Legacy Act of 2002 (33 U.S.C. 1271a(b)) is amended by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—In addition to any amounts authorized under other provisions of law, there is authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 2004 through 2010.''.

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

The bill (H.R. 6460), as amended, was read the third time and passed.

NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION REAUTHORIZATION ACT OF 2007

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be discharged from further consideration of H.R. 2786, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2786) to reauthorize the programs for housing assistance for Native Americans.

There being no objection, the Senate proceeded to consider the bill.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that a Dorgan substitute amendment, which is at the desk, be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5647) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

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

The bill (H.R. 2786), as amended, was read the third time and passed.

AUTHORITY TO REQUEST RETURN OF PAPERS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to request the return of the papers on H.R. 3068 from the House of Representatives.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO SENATORS

WAYNE ALLARD

Mr. FEINGOLD. Mr. President, today I wish Senator ALLARD well as he leaves the Senate, after 12 years here and 6 years in the other body. That is a long record of honorable service to the wonderful State of Colorado. During our time together in the Senate, I was very pleased to work with Senator ALLARD on a critical issue facing both our States: chronic wasting disease. I appreciated his commitment to fighting the spread of CWD, which was characteristic of his commitment to the people of Colorado throughout his time here. I wish him all the best as he leaves the Senate, and I thank him for his years of dedicated service to our country.

LARRY CRAIG

Mr. President, as Senator CRAIG retires from the Senate, I want to take a few moments to recognize him and thank him for his work on behalf of the people of Idaho. He devoted 18 years to serving the people of Idaho in the Senate, following 10 years of service in the House of Representatives. Senator CRAIG and I worked together in two very different, very important areas: protecting civil liberties and supporting America's dairy farmers. In both cases, he was dedicated to the best interests of the people of Idaho, and I am grateful for his efforts.

Senator CRAIG was a key member of the group of six Senators—three Republicans and three Democrats, including myself—who worked together to try to strengthen the protections for Americans' privacy rights in the Patriot Act reauthorization that we considered in the Senate during the 109th Congress. His willingness to work across party lines on that issue was commendable, and it was a critical boost to our efforts. Senator CRAIG understands the importance of protecting Americans' freedoms, and I applaud his commitment to these issues.

I also thank him for his consistent support of dairy farmers, another area where we frequently worked together. Senator CRAIG and I shared concerns about the impact of the Australia free trade agreement on dairy farmers, on the threat of unsafe importation of milk protein concentrates, and on nonfat milk price reporting errors.

Once again on these issues, Senator CRAIG put the needs of the people of Idaho first, and reached across the aisle to protect hardworking dairy farmers. After 28 years of service in Congress, Senator CRAIG is retiring from the Senate, and I wish him all the best. His hard work and dedication have made a valuable contribution to the Senate and to the American people.

PETE DOMENICI

Mr. President, today I thank Senator DOMENICI for his 36 years of service here in the Senate, longer than any New Mexican in the State's history. I have had the pleasure of serving with Senator DOMENICI on the Budget Committee, where his leadership has been a cornerstone of the committee's work for decades. I have always appreciated his willingness to listen to and accommodate different points of view through the years. I also thank him for his work on biennial budgeting, something I also strongly support and was proud to work on with him.

Senator DOMENICI's commitment to mental health parity is well known and deserves special recognition. It is fitting that, on the eve of Senator DOMENICI's retirement, the Mental Health Parity Act of 2008, which he worked on with Senators DODD, KENNEDY and ENZI, should pass the Senate. I was pleased to cosponsor this bill and look forward to it being enacted.

Finally, I thank Senator DOMENICI for his vote in support of the McCain-Feingold legislation when it passed the Senate in 2002. It was his support, along with 59 other Senators, that gave us that victory after a long fight to ban soft money. I will always remember and appreciate his support, and I wish him all the best as he retires from the Senate.

CHUCK HAGEL

Mr. President, today I recognize the work of an outstanding colleague, Senator CHUCK HAGEL. As he leaves the Senate, there are many things he will be remembered for, and I will add a few to that long list. I have had the pleasure of serving with Senator HAGEL on both the Foreign Relations and Intelligence committees, where I have seen what a thoughtful and dedicated public servant he truly is. He has been an outspoken and independent voice on foreign policy, and against the current Administration's reckless foreign policies, including the disastrous war in Iraq.

In our time serving together in the Senate, we have worked on a number of bills relevant to our work on the Foreign Relations and Intelligence committees. Senator HAGEL and I authored a bill to address the serious threat posed to our national security by gaps in our intelligence gathering. Building

on the work of the 9/11 Commission, our legislation would establish an independent commission to improve how the U.S. Government collects and analyzes information, so that we can head off emerging threats. Senator HAGEL has brought critical attention to this issue, and I have no doubt he will continue to do so in the years ahead. I also appreciate Senator HAGEL's commitment to strengthening our citizen diplomacy, which is so important to improving the image of the U.S. abroad. His support for my Global Services Fellowship Program Act, and past efforts on this issue, has been just one more example of Senator HAGEL's willingness to reach across the aisle to work on issues important to our country.

As chairman of the Senate Foreign Relations Subcommittee on African Affairs, I particularly appreciate Senator HAGEL's support for a more peaceful, secure, and prosperous Africa. He has supported efforts to help protect civilians and provide them with access to basic services. His voice has been one for political solutions to conflict, and for initiatives that would bring long-term stability to the continent.

Senator HAGEL has served the people of Nebraska, and America, with great dedication and skill. I will miss having him as a colleague, but I value his service and his friendship, and I wish him all the best as he leaves the Senate.

JOHN WARNER

Mr. President, today I thank Senator JOHN WARNER for his service to our country. Through his five terms in the Senate, and before that as Secretary of the Navy, Senator WARNER has been an outstanding public servant. In the Senate he has worked hard for our country, and for the people of Virginia. As chairman and now ranking member of the Senate Armed Services Committee, Senator WARNER has been a leader on a wide range of issues affecting our national security, and he has always approached those issues with the utmost determination to do what is best for the Nation and the American people.

Finally, I thank Senator WARNER for his vote in support of the McCain-Feingold legislation when it passed the Senate in 2002. It was his support, along with 59 other Senators, that gave us that victory after a long fight to ban soft money. I appreciate his effort on this and so many issues, and I thank him for his dedicated public service over so many years.

WAYNE ALLARD

Mr. BUNNING. Mr. President, I rise today to pay tribute to a great U.S. Senator and friend, Senator WAYNE ALLARD. His strong political leadership will be greatly missed by the people of Colorado and the United States.

I got to serve with WAYNE on the Senate Banking, Housing, and Urban Affairs Committee and the Senate Budget Committee. As fellow fiscal conservatives, we share many of the same values and concerns. One of his core beliefs, and mine, is that we must reduce wasteful government spending and work to balance the Federal budget. This is a philosophy that WAYNE applied to every piece of legislation that came in front of him. It was important for him to do everything he could do as a public servant to save the taxpayers' money. I know that I could always count on WAYNE to follow these principals and stay true to his conservative roots.

As many of you know, WAYNE had a successful career as a veterinarian before he came to Congress. With the help of his wife Joan, they built a successful veterinary practice in Loveland, CO, where they raised their two daughters, Christi and Cheryl. As a veterinarian and as a U.S. Senator, WAYNE contributed more than most to the people of this country. He will be greatly missed by me here in the Senate, but I know he is looking forward to spending more time with his family back in Colorado. I wish WAYNE the best of luck as he begins the next chapter of his life.

LARRY CRAIG

Mr. President, I wish to join my fellow Senators to honor a colleague and a friend, Senator LARRY CRAIG, who is departing the U.S. Senate at the close of this Congress. I have enjoyed working with Senator CRAIG over the last 20 years—first in the U.S. House of Representatives and later in the U.S. Senate.

While in the Senate, I have had the great fortune of serving with LARRY on the Senate Energy Committee. He is a revered advocate of energy, public lands, and rural community issues. The two of us have stood together on numerous issues—most notably energy—and I have always believed that we could achieve any task because I had his voice of reason and intellect by my side.

Senator CRAIG has shown the ability to keep a close eye on issues that matter most to citizens back in Idaho, while also looking out for all Americans. Whether the issue of the day was rural schools, western ranchers, public water, innovative forms of energy, and yes, even wolves, Senator CRAIG has proven that he is up for any challenge.

I would be mistaken to not mention the extraordinary work Senator CRAIG has done as a member of the Senate Veterans' Affairs Committee. His work has been instrumental to ensure that all citizens who are part of our armed services—including servicemembers, family members and survivors of veterans—are provided the world-class care and benefits they have earned. I thank him for his relentless efforts to improve the lives of those who have worn the uniform.

I thank the senior Senator from Idaho for his leadership and contributions to public service for the people of Idaho and all Americans. I honor Senator LARRY CRAIG not only for his length of service but more importantly his quality of service. I wish him and his loved ones all the best of health for many years to come.

PETE DOMENICI

Mr. President, I rise today to pay tribute to a great U.S. Senator and friend, Senator PETE DOMENICI. His tireless work as New Mexico's longest serving Senator in history has greatly benefitted the people of his State and the United States of America. I am proud to have served with such a great statesman.

During his time in the Senate, PETE has been instrumental in passing thousands of pieces of legislation on many different issues. However, I got the distinct honor of serving with him on the Senate Energy and Natural Resources Committee, where he serves as the ranking member and former chairman. Over the years, he has been instrumental in passing comprehensive energy legislation to help our Nation adapt to changing energy needs and demands. By working side by side with PETE on the committee, I have gotten to witness firsthand the hard work he puts into every piece of legislation that comes before him. He also has the ability to reach across the aisle to other Senators who routinely join him in passing bipartisan bills to benefit our country. I know that I can speak for all of my colleagues, when I say that PETE's absence will be felt by all of us.

While I will greatly miss my friend's leadership on the Senate floor and in the Energy Committee, I know that he is looking forward to retirement and being able to spend some much-deserved time off with his wife Nancy and their family. I want to thank PETE for his contributions here in the Senate and wish him and his family well as they enter into a new chapter in their lives.

JOHN WARNER

Mr. President, I would like to honor my friend from Virginia, Senator JOHN WARNER. JOHN and I have been friends since I was elected to the Senate in 1998.

As a true Virginian, JOHN has dedicated his life to serving his country. At the age of 17 he enlisted in the U.S. Navy beginning his long career of public service. After serving on active military duty in both World War II and the Korean war, JOHN went on to serve in the Department of the Navy, and led the Department as Secretary from 1972–1974.

Elected in 1978, JOHN is the second longest serving Senator from the Commonwealth of Virginia in the history of the Senate. JOHN has served the people of Virginia well for 30 years and I know his family and the people of Virginia are proud to call him one of their own.

JOHN has a long list of accomplishments to show for the people of Virginia and the Nation. His leadership in the Senate will be missed and it has truly been an honor serving with him.

I would like to thank JOHN for his contributions to the Senate and wish him well as he opens a new chapter to his life.

CHUCK HAGEL

Mr. President, today I pay tribute to my distinguished colleague from Nebraska, Senator CHUCK HAGEL, who will be retiring from the Senate at the conclusion of the 110th Congress.

I have worked with CHUCK since coming over to the Senate in 1998. I have also had the privilege of serving on the Senate Banking Committee with CHUCK. He is a man of integrity and patriotism. CHUCK has served his country proudly throughout the years, whether it be working as a staffer for Congressman John McCollister of Nebraska, as Deputy Administrator of the Veterans Administration, as U.S. Senator, or earning the Purple Heart while defending the freedoms we enjoy today. He has a servant's heart and the people of Nebraska should be proud to have been represented by a man of his character.

I am honored to know him and to have worked with him. I would like to thank CHUCK for his contributions to the Senate and to the country we both love. I wish him and his family the best in all of their future endeavors.

DC GUN LAWS

Mrs. FEINSTEN. Mr. President, I rise today to speak in strong opposition to H.R. 6842, which would repeal the commonsense gun laws of the District of Columbia.

I believe this bill is reckless and irresponsible, and will lead to more weapons and violence on the streets of our Nation's Capital. It will endanger the citizens of the District of Columbia, the government employees who work there, our elected officials, and anyone who visits Washington, DC.

The House bill repeals laws promoting public safety, including DC laws that the U.S. Supreme Court indicated were permissible under the 2nd amendment in the Heller decision.

I strongly disagree with the Supreme Court's decision in Heller that the 2nd amendment gives individuals a right to possess guns for private purposes not related to state militias, and that the Constitution does not permit a general ban on handguns in the home.

However, it is important to note that Heller also stands for the proposition that reasonable, commonsense gun regulations are entirely permissible.

Justice Scalia, who wrote the majority opinion in Heller, noted that a wide variety of gun laws are ''presumptively lawful,'' including laws ''forbidding the carrying of firearms in sensitive places'' and regulations governing the ''conditions and qualifications on the commercial sale of arms.'' Even bans on ''dangerous and unusual weapons'' are completely appropriate under the Heller decision.

The House bill completely ignores this language and takes the approach that all guns, for all people, at all times is the only way to go after Heller.

It is worth noting just how far the House bill goes in repealing DC law and just how unsafe it will make the streets of DC.

The bill would do the following: It would repeal DC's ban on semi-automatic weapons, including assault weapons.

If this bill becomes law, military-style assault weapons with high capacity ammunition magazines will be allowed to be stockpiled in homes and businesses in the District, even near Federal buildings like the White House.

Even the .50 caliber sniper rifle, with a range of over 1 mile, will be allowed in DC under the House bill. This is a weapon capable of firing rounds that can penetrate concrete and armor plating. And at least one model of the .50 caliber sniper rifle is easily concealed and transported. One gun manufacturer describes it as a ''lightweight and tactical'' and capable of being collapsed and carried in ''a very small inconspicuous package.''

There is simply no good reason why anyone needs semi-automatic assault weapons in an urban city. It is unfathomable to me that the same high-powered sniper-rifle used by our Armed Forces in Iraq and Afghanistan will be permitted in our Nation's Capital. Yet this is exactly what the House bill would allow if passed by the Senate.

The House bill would repeal existing Federal anti-gun trafficking laws. For years, Federal law has banned gun dealers from selling handguns directly to out-of-State buyers who are not licensed firearm dealers. This has greatly helped in the fight against illegal interstate gun trafficking, and has prevented criminals from traveling to other States to buy guns.

The House bill repeals this longstanding Federal law and allows DC residents to cross State lines to buy handguns in neighboring States. Illegal gun traffickers will be able to easily obtain large quantities of firearms outside of DC and then distribute those guns to criminals in DC and surrounding States.

The House bill repeals DC law restricting the ability of dangerous and unqualified people to obtain guns.

The bill also repeals many of the gun regulations that the Supreme Court said were completely appropriate after Heller. It repeals the DC prohibition on persons under the age of 21 from possessing firearms, and it repeals all age limits for the possession of long guns, including assault weapons. The House bill even repeals the DC law prohibiting gun possession by people who have poor vision. Unbelievably, under the House bill, DC would be barred from having any vision requirement for gun use, even if someone is blind.

The House bill repeals all firearm registration requirements in Washington, DC. The bill repeals all registration requirements for firearms, making it even more difficult for law enforcement to trace guns used in crimes and tracing them to their registered owner.

The House bill repeals all existing safe storage laws and prohibits DC from enacting any more safe storage laws. After the Heller decision, DC passed emergency legislation allowing guns to be unlocked for self-defense, but requiring that they otherwise be locked to keep guns from children and criminals. The House bill prevents the DC City Council from enacting new legislation to replace the emergency law, as well as from enacting any laws that ''discourage'' gun ownership or require safe storage of firearms.

Every major gun manufacturer recommends that guns be kept unloaded, locked, and kept in a safe place. Under the House bill, DC could not enact any legislation requiring that guns be stored in a safe place, even in homes with children.

How can anyone believe that enacting these provisions in the House bill and eliminating DC's commonsense gun laws is the right thing to do?

The American people clearly do not agree with the House bill. A recent national poll found that 69 percent of Americans oppose Congress passing a law to eliminate Washington, DC's, gun laws. Additionally, 60 percent of Americans believe that Washington, DC, will become less safe if Congress takes that step.

As a former mayor who saw firsthand what happens when guns fall into the hands of criminals, juveniles, and the mentally ill, I believe that the House bill places the families of the District of Columbia in great jeopardy.

The bill puts innocent lives at stake. It is an affront to the public safety of the District of Columbia, as well as the right to home rule by its citizens.

This isn't just a bad law, it is a dangerous one. If this bill comes to the floor of the U.S. Senate, I will do everything in my power to stop it.

Mr. INHOFE. Mr. President, on June 26, 2008, in the landmark District of Columbia v. Heller decision, the United States Supreme Court decisively confirmed what Oklahomans have known for a long time: we as Americans have an individual right to legally possess and use a firearm.

Prior to the Heller decision, DC, had the most restrictive gun control laws in the country. The District effectively banned handguns in homes and required all licensed firearms to be unloaded and dissembled or bound by a trigger lock or similar device.

Not only did the Supreme Court deem the DC gun ban unconstitutional, it also positively affirmed that ''(t)he Second Amendment protects an individual right to possess a firearm unconnected with service in a militia, and to use that arm for traditionally lawful purposes, such as self-defense within the home.''

I was very satisfied with the Supreme Court's decision in District of Columbia v. Heller. Before the Supreme Court heard this case, the entire Oklahoma delegation signed onto an amicus brief to the Supreme Court, urging the

Court to affirm that the second amendment protects an individual right to possess firearms. With the signatures of Vice President CHENEY, 55 Senators, and 250 Members of the House of Representatives, this amicus brief had the support of more Members of Congress than any other amicus brief in known history.

Unfortunately, it did not come as a great surprise that soon after the Supreme Court decided the Heller case, the DC City Council began exploring new ways to restrict firearm possession in the District.

In response, on September 17, the House of Representatives passed the National Capital Security and Safety Act, H.R. 6842, by an overwhelming bipartisan vote of 266–152. This bill prohibits the DC government from passing any law to restrict firearms in a person's home, business, or land. Additionally, the legislation rolls back the restrictions that the DC government has implemented that prohibit the registration of certain types of firearms. The bill also allows residents of the District of Columbia to purchase firearms from licensed dealers in the neighboring states of Virginia and Maryland.

After the House of Representatives passed this important bill, I joined 47 of my colleagues in the Senate in sending a letter to Majority Leader REID asking him to bring up H.R. 6842 for consideration in the Senate. I sincerely hope that the Senate has the opportunity to debate and vote on this bill and send it to President Bush this year.

I have tenaciously fought to preserve the right of individual citizens to keep and bear arms since my first days in Congress. I will continue in this next stage of the battle over the interpretation of the second amendment.

CITIZENSHIP APPLICATION BACKLOGS

Mr. LEAHY. Mr. President, following Republican opposition to the Senate's effort to pass a comprehensive immigration bill last summer, President Bush and other Republicans moved on and away from this admirable goal. They chose, instead, to accommodate the most extreme views in their party with respect to immigration. Secretary Chertoff turned to mass immigration raids and building border walls that have consumed millions of taxpayer dollars, tread on the rights of property owners along the southern border, scarred the environment and tarnished the reputation of the United States around the world.

One aspect of the immigration debate on which I have continued to press this year is the backlog in citizenship applications. Last year, the administration insisted on a fee increase for citizenship applications and assured us it would cut processing time if authorized. That increase, along with the increased enforcement activities, and an impending presidential election, combined to result in a surge in citizenship applications. In just three months, May, June, and July of 2007, the immigration agency received over 700,000 citizenship applications. By last October, the agency had over 1 million citizenship applications pending, and a significant backlog had developed. Yet the administration did little. Its response reminded me of its preparations for Hurricane Katrina or the current financial meltdown. The anticipated surge in applications was not adequately planned for but resulted in a crisis before the administration would begin to notice.

In early 2008, Senator KENNEDY and I pressed Secretary Chertoff. We joined, along with Senator SCHUMER, in writing to the Homeland Security Secretary about this problem in advance of our April 2008 oversight hearing.

At the April hearing, I asked Secretary Chertoff for a firm commitment that persons who had applied for U.S. citizenship by March 31, 2008, would have their applications processed in time to register and vote in the upcoming Presidential election. Seven months should have been adequate to consider these applications, especially when the agency had sold the increase in fees to us by saying it would cut processing time to less than seven months.

When Secretary Chertoff sought to excuse his delays by blaming the Federal Bureau of Investigation, FBI, for being slow to clear name checks, we made sure to provide the FBI with additional resources.

At our most recent FBI oversight hearing with Director Mueller last week, I continued to raise the issue. At one point, the backlog in citizenship applications was 1 million. By this spring, it was still nearly half a million. After the most recent oversight hearing, we were told that it has been significantly reduced and now numbers in the tens of thousands. I thank the agents at the FBI and U.S. Customs and Immigration Services, USCIS, for their hard work.

The monthly updates we demanded have been helpful not only to us, but apparently also to encourage progress within the agency. That is, of course, still too many. No one who has been here, working hard, following the law, who has applied for citizenship more than 6 months ago, ought to be denied participation in the upcoming Presidential election because the Homeland Security bureaucracy has been too slow to process his or her application.

Now is the time for the agency to make a final push to process the remaining backlog of applications by the end of this month so that lawful immigrants will have time to register and will be able to vote. It is unacceptable that tens of thousands of people, some of whom have been waiting for 2 years to have their applications processed, will be left in limbo and unable to participate as citizens during the elections in November. So there is still significant work to do.

The Senate took an important step Wednesday night when it passed S. 2840, the Military Personnel Citizenship Processing Act. I am pleased the Senate has given its unanimous support to this legislation.

This bill is intended to help the Department of Homeland Security and USCIS expedite citizenship applications for members of the Armed Forces by creating a liaison with the FBI and by setting processing deadlines for these applications. Those who serve in our military and who wish to become citizens do not deserve to experience unnecessary bureaucratic delays. Their dedication to the United States, and their desire to become full participants in the democracy they help defend, ought to be met with a process that is as fair and efficient as possible.

The legislation the Senate passed last night will help to streamline the citizenship process for the legal permanent residents who have served the country they wish to call their own. I hope that this legislation will help move Congress toward seeking additional improvements in the citizenship process for everyone. The granting of citizenship is one of the most sacred privileges our Nation conveys, and only comes to those who have worked hard to achieve it. Ensuring that it is carried out with care and efficiency is a goal all members of congress should support.

I thank Senators SCHUMER and HAGEL for successfully moving this legislation through the Senate, and thank all Senators for supporting this measure.

I commend Senator KENNEDY, Senator SCHUMER and the other members of the Judiciary Committee who have worked with me all year in our oversight effort to ensure that the citizenship application backlog of 1 million would be eradicated. Senator KENNEDY, in particular, is someone who has been unrelenting in his focus on this issue and characteristically fought for fairness, dignity and the rights of those least powerful among us. Senator KENNEDY is our longtime chairman of the Immigration subcommittee, and has led the Senate on immigration matters for years. He asked me to express his appreciation to USCIS for its progress in clearing up the backlog in naturalization applications that otherwise would have deprived over a million eligible citizens the opportunity to participate in our democracy during this fall's election. He asked me to say that the right to vote is the most precious right that American citizens have. He welcomes these new Americans, and he urges them to go to the polls this November.

I hope that as a new administration takes office and begins to help this Nation rise above the divisiveness, corruption, and failures of the last 8 years, we can renew our commitment to immigration reform. The answer does not lie in policies based on fear or isolationism, but in a restoration of America's rightful role in the world. It does

not lie in denying children the opportunity for an education. It does not lie in denying American farmers and small business owners willing workers, nor does it lie in exploiting foreign labor to disadvantage American workers. And the answer does not lie in raiding workplace after workplace, tearing apart families, or building walls along our borders.

THE MATTHEW SHEPARD ACT OF 2007

Mr. SMITH. Mr. President, I wish to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor on many occasions to highlight a separate violent, hate-motivated crime that has occurred in our country.

On the evening of August 9, 2008, 24-year-old Michael Roike was leaving the Playbill Cafe a Washington, DC, area bar with three of his friends when they noticed an SUV parked next door nearby. The SUV carried several men who reportedly spoke with Roike and his friends. The conversation allegedly began casually but escalated when the men from the SUV repeatedly used the word ''faggot.'' One of Roike's friends, Stevon-Christophe Burrell, 29, allegedly became upset and asked the men to leave them alone. In response, a male from the SUV reportedly approached Burrell aggressively. Roike said he stepped between them and tried to diffuse the situation, but Roike recounts that he suddenly felt pain in the left side of his head and hit the ground. Burrell was also struck before the attackers fled back to the vehicle and drove away. While no suspects have been apprehended, the Metropolitan Police Department report lists the attack as a ''simple assault,'' filing it as a hate crime based on sexual orientation.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Matthew Shepard Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

NATO MEMBERSHIP FOR ALBANIA AND CROATIA

Mr. CARDIN. Mr. President, the NATO Alliance is now considering its third round of post-Cold War enlargement. This will be the smallest of the rounds, with only two countries to consider compared to three in 1999 and seven in 2004. It should also be easiest, since the development of Membership Actions Plans allow NATO significantly more preinvitation interaction with aspirants today than took place in earlier rounds. Albania and Croatia were formally invited at the April NATO Summit in Bucharest, Romania. Macedonia did not receive an invitation because of its lingering name dispute with Greece, and several European allies were unwilling to go forward with Membership Action Plans for Georgia and Ukraine.

In March of this year, the Helsinki Commission, which I cochair, held a hearing on the prospects for NATO enlargement which included testimony from expert analysts and contributions from the embassies of these five countries. We have also had hearings on the matter in the Senate Foreign Relations Committee which included administration views. It is important for the Senate to act on these protocols quickly so that ratification by all NATO countries can be completed in a timely matter.

Turning to the records of the two aspirants, Albania has made tremendous strides since 1991, and the country is solidly committed to Euro-Atlantic integration. This is demonstrated by its contribution to numerous peace operations around the world. There are concerns about organized crime and official corruption in Albania, but I believe the country is well aware of these concerns and is continuing to undertake efforts to address them. The country is also aware of the need for further electoral reform before parliamentary elections next June.

Assistant Secretary of State for European Affairs Dan Fried credibly asserted before the Senate Foreign Relations Committee that ''countries continue reforms rather than abandon them, when they join the alliance,'' and this particularly applies to Albania given its ongoing EU aspirations. In that spirit, I want to express my support for Albania's NATO membership, which will strengthen the alliance as well as the prospects for further reform in Albania.

Croatia is clearly ready for NATO membership. Its democratic credentials are very strong. Recovering from the violent breakup of Yugoslavia, the country essentially shed its extreme nationalist leanings in 2000 and has been in rapid transition ever since. Croatia is also preparing for EU membership, boosting reform efforts, and it has become an increasingly active and helpful player in world affairs. I therefore want to express my strong support for Croatia's NATO membership as well.

CMS CERTIFICATIONS OF HRSA RURAL HEALTH CLINIC DESIGNATIONS

Mr. BAUCUS. Mr. President, yesterday we passed the Health Care Safety Net Act, which reauthorizes multiple programs within the jurisdiction of the Committee on Health, Education, Labor and Pensions, HELP. This bill does include one section that changes the timeframe for the Centers for Medicare and Medicaid Services, CMS, to certify rural health clinic, RHC, shortage area designations from 3 years to 4 years. We have worked closely with the chairman and ranking member of the HELP Committee to have language included in H.R. 3343 to align the timeframe for CMS certifications of rural health clinic designations with the timeframe for HRSA designations. This provision is crucial to maintaining access to primary care and other necessary medical services in rural areas. I know that several rural health clinics in Montana would be forced to close their doors if the CMS rule were permitted to go forth. I am proud to stand with my colleagues on both sides of the aisle to ensure that these important parts of our health care delivery system are protected.

We are most appreciative of the efforts of the HELP Committee to include this language at our request. As chairman of the Finance Committee, I am obligated to point out for the record that Medicare is exclusively governed by title XVIII of the Social Security Act, which is under the exclusive jurisdiction of the Finance Committee. Inclusion of these Medicare provisions in H.R. 3343 does not represent any waiver of the Finance Committee's jurisdiction on this subject. In the absence of the Chairman of the HELP Committee, Senator KENNEDY, I would ask the distinguished ranking member, Senator ENZI, to acknowledge that Medicare is governed by title XVIII of the Social Security Act and is under the exclusive jurisdiction of the Finance Committee. Again, I would like to extend our thanks to the chairman and ranking member of the HELP Committee for graciously agreeing to our request to include this language in H.R. 3343.

Mr. ENZI. It is a great pleasure to work with my distinguished colleagues on H.R. 3343, the Health Care Safety Net Act. The Committee on Health, Education, Labor and Pensions has a long and distinguished history of championing legislation improving our health care system. Reauthorization of the health center program, the National Health Service Corps, rural health care programs, and dental workforce programs are a handful of examples of the successful programs the HELP Committee governs. I have had the pleasure of working with Senators KENNEDY and HATCH on this bill, and I very much appreciate the work of Senators SMITH, BARRASSO, ROBERTS, and the other sponsors of S. 3367, which was the genesis of the rural health clinic provision included in this bill. I also sincerely appreciate the contributions of Senators BAUCUS and GRASSLEY, as the rural health provision is under the jurisdiction of the Finance Committee. I look forward to strengthening our relationship next year as our two great committees work together on health care reform, and I am pleased the passage of this bill puts us one step closer to a higher quality health care system.

Mr. GRASSLEY. I agree with my colleague, Chairman BAUCUS, and would

also like to extend my thanks to the chairman and ranking member of the HELP Committee, Senator KENNEDY and Senator ENZI, for working with us on this issue. In my 7 years as chairman and ranking member of the Finance Committee, I have worked to preserve the committee's jurisdiction over legislation amending the Social Security Act, as Senator BAUCUS is doing now. In this case, the CMS certification requirement for rural health clinic designations is governed by title XVIII of the Social Security Act, which, as the Chairman has noted, is within the exclusive jurisdiction of the Finance Committee. The Balanced Budget Act of 1997 required that rural health clinics be located in an underserved or shortage area that were designated or updated within the previous 3 years but the 3-year requirement has only been applied to new facilities seeking to be designated as rural health clinics. The Centers for Medicare and Medicaid Services, CMS, recently issued a rule proposing changes in the requirements for rural health clinics. One of the proposed changes would apply the 3-year designation requirement to all rural health clinics and decertify RHCs located in communities where the shortage area designation is more than 3 years old.

The Health Resources and Services Administration, HRSA, and most States update their shortage area designations every 4 years. We need to align the timeframes for HRSA and CMS shortage area designations so that CMS certifications of rural health clinic designations would be valid for a 4-year period, consistent with the 4-year period used for HRSA designations. Otherwise, many rural health clinics in Iowa and other States throughout the country could lose their RHC designation simply because their State is not able to comply with the new CMS 3-year timeframe for certification.

Under the CMS proposal, if an RHC loses its designation or the State has not renewed its shortage area designation within 3 years, the RHC must request an exception within 90 days or it will be decertified 180 days after the 3-year period ends. Unless the statutory 3-year CMS certification period is changed to 4 years, many RHCs could be subject to being decertified in the near future unless they are deemed ''essential.'' Rural health clinics should not be jeopardized with closure because a shortage area designation has not been updated in a timely fashion by the State or Federal Government.

CMS has estimated that approximately 500 of the 3,700 rural health clinics operating today no longer meet the existing location requirements for RHCs, either because they are not in an area designated by the U.S. Census Bureau as ''nonurban'' or they are not designated by HRSA as being located in an eligible shortage area. Others believe that this estimate is too low. The National Rural Health Association has estimated that the proposed changes to the location requirements could result in up to 45 percent of RHCs being ineligible to continue in the program unless they are granted an exception. If this estimate holds true for RHCs throughout the country, over 1,600 RHCs could be decertified. This would severely impact access to health care for those in rural and medically underserved areas where rural health clinics provide the only access to critical medical services.

We are most appreciative of the efforts of our colleagues, Senator KENNEDY and Senator ENZI, to amend H.R. 3343 to change the CMS certification period for shortage area designations from 3 to 4 years in order to align the CMS certification period for shortage area designations with HRSA's designation review period.

HEALTH INSURANCE

Mr. GRASSLEY. Mr. President, I am here today to talk about health insurance. A year ago, in the spirit of bipartisanship, I joined Senator WYDEN and Senator BENNETT in cosponsoring the Healthy Americans Act. The Wyden-Bennett bipartisan legislation offers elements that are consistent with a ''patient-driven'' approach to improving our health care system. A ''patient-driven'' approach means people can shop for their own health insurance in a competitive marketplace, which will allow them to choose the type of health care coverage that meets their needs. Many in the Democratic Party, including the Democratic Presidential candidate, want a Government-controlled system that is not ''patient-driven.'' This is a non-starter and is bad policy. And the majority of Americans do not want the Government making their health care decisions for them.

I continue to be interested in exploring ways to reform the health care system through the Tax Code. I am interested in examining whether Congress should offer Americans a choice between a tax credit and a deduction for health insurance. The Wyden-Bennett bill raises some tough questions that we need to explore as we look at health care reform. We need to determine the future role of Medicaid and SCHIP in our system over the long haul. We need to explore better ways to make the market work to hold down the rising costs of health care. And we need to find better ways to make health coverage more affordable and secure. This ''patient-driven'' approach—with insurance reforms and changes in the tax treatment of health insurance—should make health insurance more affordable for everyone. The goal should also be, if people are happy with their current health care coverage, they can keep it.

During my tenure in the Senate, I have sought to build bridges between Republicans and Democrats. I believe that there are times where Republicans and Democrats need to come together to produce results. Health care reform cannot be successful if it is not bipartisan. I commend Senators WYDEN and BENNETT for forging the only bipartisan effort in Congress to date.

As I did last year, I want to make clear that my cosponsorship of the Wyden-Bennett bill is not an endorsement of all that the bill proposes. Instead, I am cosponsoring this bill to add my voice to those who are calling for people to work across party lines to find innovative solutions that can work. While I support the ''patient-driven'' approaches in the bill, I have serious concerns about a number of the provisions of the Healthy Americans Act. For example, this bill would require all individuals to buy health insurance. I support accessibility to private insurance and differ with my colleagues on this point. Also, Senator WYDEN's approach envisions a bigger role for Government than I would prefer. In addition, I certainly am not endorsing the repeal of the non-interference clause in Medicare Part D. That is not going to be on the table for me.

I also need to address a concern about the Wyden-Bennett bill I have seen pop up lately. These accusations are particularly troubling because I don't think they are accurate. It is true that the Joint Committee on Taxation has estimated the gross cost of the bill to be about $1.4 trillion annually by the year 2014. It is also true that the Joint Committee on Taxation estimated that the bill is fully paid for so the net cost to the Federal Government is zero. I have also read a concern that the Wyden-Bennett bill does not do enough regarding mandated benefits. The Wyden-Bennett bill reduces the impact of the myriad State mandates so that there will only be a much more limited set of requirements of a health plan much more consistent with what is already provided to Federal employees today.

Finally, I want to refute one particular charge regarding coverage of abortion services. The Wyden bill does not mandate that every American buy a health insurance plan that covers abortion services. This Senator supports legislation that protects life, and one only needs to point to my record in this area for evidence of that fact. I would not support a bill that requires individuals to purchase health insurance that covers abortion, or legislation that encourages women to seek abortion. And, while I agree that Americans deserve similar health care options that Members of Congress enjoy, I don't agree that Washington should mandate coverage of procedures that purposely end human life. Should this bill move forward, I will work with my colleagues to make sure abortion coverage is not made mandatory.

So my cosponsorship is not an endorsement of all provisions of the bill. Instead, I have cosponsored the Healthy Americans Act to add my

voice to the bipartisan call for significant changes in our health care system. This is only one step in the process of the public discussion of ideas for improving our health care system. I also intend to continue working with Chairman BAUCUS and members of the Senate Finance Committee on his health care reform agenda.

We have serious problems, and we need to solve them. So it's time to get to work.

SUPPORT FOR VULNERABLE AND DISPLACED IRAQIS ACT

Mr. CASEY. Mr. President, I rise today to highlight a bill my distinguished colleague, Senator CARDIN of Maryland and I introduced last week. S. 3509 addresses the ongoing humanitarian crisis in Iraq and potential security breakdown resulting from the mass displacement of Iraqis inside Iraq and as refugees into neighboring countries.

If passed, this bill will help the United States address the needs of millions of Iraqis who have been forced to flee from their homes. The heart of the bill requires the Secretary of State to develop a comprehensive regional strategy to address this humanitarian crisis. Senator CARDIN and I are joined in this effort by our colleagues, Senators BINGAMAN and VOINOVICH, who have cosponsored the bill.

Unfortunately, we were not able to reach agreement to have this legislation placed on the Foreign Relations Committee business agenda this week. We may not have enough time left this year to bring this bill to the floor. I hope that is not the case—and if so, it is my hope that the State Department recognizes the need to formulate a strategy and take prompt action itself.

It has been 5 years since the fall of Baghdad, and although this administration refuses to acknowledge it, Iraq and her neighbors are in the midst of a humanitarian crisis that threatens to undermine the stability of the Middle East. Wherever one stands on the future of the U.S. combat presence in Iraq, we have a moral responsibility to those innocent Iraqis who have been driven from their homes and fear for their lives and their children's lives every day.

As I noted during my floor statement marking World Refugee Day this past June, Iraqis are now one of the largest displaced populations in the world. According to host countries hosting Iraqi refugees, up to 2 million Iraqis have fled their homes for neighboring country in order to avoid sectarian and other violence. According to the U.N. High Commissioner for Refugees, UNHCR, there are over 2.7 million internally displaced persons in Iraq.

Iraqi refugees are overwhelming the basic infrastructure of Iraq's neighbors, especially in Jordan, Syria, and Lebanon. This raises troubling concerns about the region's stability and shifting sectarian balances. No one in the region, and I must stress this, no one including host countries and refugees themselves expect Iraqi refugees to return anytime soon. This means we will be dealing with the exodus of displaced Iraqis for some time to come. Despite this administration's position that security conditions are improving in Iraq and life is normalizing, there are no signs of imminent return.

I saw firsthand the humanitarian and security implications of this crisis during my trip to the region last year. Beyond the obvious humanitarian and moral dimensions, this crisis has grave implications for our national security interests in the Middle East.

We often talk about our military surge in Iraq. What has been missing for far too long now has been our humanitarian surge to address basic needs—access to food, health care, shelter, drinking water, and education. This needs to be at the heart of any campaign to win ''hearts and minds.'' Strong U.S. leadership is critical in bringing the Iraqi Government, regional neighbors, and the international community to the table to discuss and implement concrete measures.

To date, Congress has not passed any comprehensive legislation addressing this humanitarian crisis. My bill, S. 3509, would prompt the next administration to act quickly and make the displacement of millions of Iraqis an urgent foreign policy priority. The heart of the bill requires the Secretary of State to develop a comprehensive regional strategy that addresses the mass displacement of Iraqis. The strategy would: address the serious challenges facing Iraqi refugees; address the responsibility of the Iraqi Government to help meet the urgent needs of its citizens in the region; include an assessment of how much assistance is needed to help meet these needs; include an assessment of what conditions are necessary for the voluntary, safe, sustainable return of displaced Iraqis; include a description of the steps the U.S. Government has taken and will take to engage the international community to implement the strategy; and include plans to assess the impact of the strategy.

S. 3509 also includes reporting requirements from the State Department and the Government Accountability Office so that Congress is informed on how the administration is moving forward on the Iraqi humanitarian crisis.

Mr. President, I believe this bill will help define a roadmap for the United States and the international community on how we are meeting our basic obligations towards helping vulnerable Iraqis displaced as a result of the 2003 war. It will once again promote responsible American leadership abroad.

I want to thank the following groups who have supported S. 3509 thus far:

America's Development Foundation; Campaign for Innocent Victims in conflict, CIVIC; CARE; Catholic Relief Services; CHF International; Church World Service, Immigration and Refugee Program; EPIC: Promoting a Free & Secure Iraq; Friends Committee on National Legislation; International Medical Corps; International Relief and Development; International Rescue Committee; Leadership Conference of Women Religious; Maryknoll Office for Global Concerns; Mercy Corps; NETWORK; Presbyterian Church, USA, Washington Office; Refugees International; Save the Children; U.S. Committee for Refugees and Immigrants; and U.S. Conference of Catholic Bishops.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,000, are heartbreaking and touching. To respect their efforts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

In response to your request for stories reflecting rising energy prices, I would offer the following: It is not unique to my family, but it affects everyone, everywhere, and as an elected official, I would advise you to keep it foremost in your mind when debating the need for renewable energy resources.

Our dependence on foreign oil has the effect of spilling our blood on foreign sands in wars that we sure should not be sticking our noses into. It is causing the rest of the world to see us as imperialists, rather than as the beacon of freedom, and it is edging our nation toward facism, as the wealthy have no qualms about sacrificing the poor to make sure the oil keeps flowing from these sources.

And, in the end, we the people lose. How can we call ourselves an independent nation if we are to rely on foreign energy? And how can we call ourselves a free people if we cannot afford basic necessities? We the people are seeing prices skyrocket, and our wages decline, despite what the annual reports say, as they do not account for the devaluation of the dollar.

WILLIAM.

P.S. Thank you for actually doing something about this mess.

Per your request, I am sending an e-mail in regard to my concern for the rising costs of fuel and the impact it is having upon me and my family.

As you know, Idaho is, to a great extent, a rural state. Most of our employment involves traveling to or from our job sites in automobiles. Since we aren't privileged enough to have a rapid transit system or bus

service, as in many urban city areas, we are forced to get to our employment by our own methods. I work at the Idaho National Laboratory. It is approximately 54 miles one way from my home. The nature of my job (foreman over maintenance craft personnel), requires that most of the time I use a personal auto to commute between my home and my job site. My auto gets approximately 30 miles per gallon, and it has a 17-gallon fuel tank. Each day's travel is approximately 108 miles divided by 30 mpg, giving an average of 3.6 gallons of fuel per day. At $4 per gallon, it costs $14.40 each day to drive to work. If we multiply this number by 9 (the number of work days in a two-week period), it costs me approximately $130 every two weeks for fuel, just to get to work! Multiply that by 26 and my yearly cost (just to go to work) is approximately $3,360. This does not count the fuel necessary for my wife to get to her place of employment, or the costs associated with the need to travel to buy groceries and other necessities. The average cost of our fuel has risen about $1.30 per gallon since last year at this time. My wages have not compensated for the increase in fuel costs, nor has it compensated for the additional costs associated with the purchase of groceries and other commodities, just to survive.

Of course, we have to cut way back just to make ends meet. This also means that our choices for recreation (or even a date with my wife) are getting very limited because we must use more and more money to pay for fuel, groceries, and commodities necessary for our very existence. Why is it that we can send billions of dollars, each year, to countries who hate us and do not even use the money for what it is intended, yet let our own people suffer? Where's the justice? Why cannot we do something to help our own people for a change, fight terrorism in this country (gangs), and open up more of the reserves in our own country so that we do not have to be dependent upon foreign terrorists who control (actually are destroying) our economy and indeed the worldwide economical situation?

I have two brothers who work in the oil business in Wyoming. Their story of how much reserves we have differs greatly from what our politicians are telling us. Who are we to believe? Are we being misled? Are we being manipulated by selfish interests who would rather pass a ''carbon tax'' bill (when science has proven that there is, indeed, no global warming crisis) creating more taxpayer dollars to line their own pockets? I am a bit frustrated, but I really think that there is no real justification for how fast the cost of fuel has increased this year.

One more thing I would like to know, and that is why are we at the mercy of minority organizations with a lot of money, organizations like the ''green'' people, the environmentalists, or other groups who are at least partially to blame for our energy crisis? We need to be using more of our domestic resources and get away from foreign dependence. We need to put a few curbs on the organizations that are responsible for chasing all of our industry out of our country. Those people have ensured that there are so many outrageous controls on manufacturers, that they cannot reasonably make and market most of the things we use in this country, at a fair and competitive price because the costs of all of the regulations force these manufacturers to leave the country and build their products where the regulations are not prohibitive. Our country, unfortunately, can only rely upon the amount of paperwork done in a day to be able to claim to have done something useful. Even our complicated sensitive technologies are coming from overseas.

The best example I can use for how far downhill we have gone is to compare what we used to be able to do on the INL to what we can do today. We used to be able to get work done. A lot of work. We were productive. We built reactors, we maintained them and the various other systems necessary to make the rest of our facilities function well. We were not overwhelmed by piles of paperwork. Yes, there was paperwork, but it was nothing like we do today. Today, in our ''world class'' society, we have DOE regulating us out of work. We have a new company that has piled paperwork upon us to the point that not just the administrators are doing piles of it, but every man and woman from administrators to laborers, must process piles of paper each day, to do 'work.' Of course, since the advent of the new contract between DOE and BEA, we have consolidated the site and now we do about ⅔ less that ever before. More mountainous is the paperwork. More signatures are required before work can begin. More signatures are required to 'complete' work. Plus, now we have found that the former Argonne personnel were not up to par with the rest of the site (we were running Argonne for 50 years without knowing what we were doing, nor how to do business, and we never killed anyone). Our ignorance has resulted in additional training for each and every person working at the facility. In fact, there is so much training, computer based and otherwise, little time to do work. Besides, we aren't focused upon how much work we can do 'safely,' instead, we are focused upon how safe we can be, doing little work in the name of 'safety.'

Yes, I am frustrated. I guess I am lucky that I am not in the Senate or Congress, because knowing what I know about how things are done here, and how much is wasted, I would seriously be working to close this site down. Tax payer money is being spent (actually wasted), and the tax payer only knows what the media tells them is being done with their money. This is not a responsible national lab any more.

Anyway, I have unloaded upon you again. Sorry for the apparent frustration, but I can see the mess because I am behind the curtain that hides it from the rest of the country. Thanks for listening.

BRENT, *Idaho Falls.*

We heat our home with propane; it is a 2,000 gallon tank. With the cost of propane, it would run us around $3,000 to fill it. We did not do that we did it at $250 at a time. We even ran out one time. Wood is costing a lot as well, at our age and work we have to buy it cut and delivered and that as well is expensive, yet without the wood stove our home would have cost to heat this year around $8,000. Personally I believe in wind power and solar technology. Canada is experimenting with a trailer right now that is brought in that has wind power and wind solar on it. It is running farms capable of running the whole house and everything as well. So, if they are doing it right now, why are we not doing it? They run about $40,000 right now. They are in the test run just to see how long and evident it is. I want one. If they are ready for the market place next year, I plan on getting one. I feel in the deepest part of my soul that the greed of man just might be too powerful. I am so pleased that you are doing your best to protect Mother Earth and the souls that live on her. Those whom are in denial and only live in the power of money will indeed pay at some point in there souls. So I hope this supports what needs to happen. I do, however, only believe in wind and sun, I feel that we cannot ask other countries to not use certain toxic and dangerous chemicals to destroy this planet and not walk the talk. Thank You for all your hard work.

JEANINE.

I agree with the outrageous energy costs. Gasoline and fuel prices are totally unheard of. The constant rise in fuel costs has not only hindered the life style, we here in Idaho enjoy, outdoor activities, fishing and camping, but the farmers are also getting hammered. What in tarnation is happening? The rich just keep getting richer. My hat is off to the successful, prominent business people, but where do the working class fit in? Seems like the taxes keep going up right along with the cost of living, health care and so on.

I truly find it hard to believe that with all of the oil wells and refineries we have in the United States that we should not be in better shape. Where are these reserves being sent to? I see where the Republican Committee is asking for more drilling to take place in Alaska's wildlife areas. What's up with that? What happened to the presently existing Alaskan Pipeline? Did Wyoming, Texas and the sort all dry up?

Are we truly a ''free nation'' or are we relying on the foreign imports and markets to help us attain this freedom? If there is any.

I think the addressing of the country's issues have been a long time in coming, but is it too late? What do our children have to look forward to?

NATE.

I am a stay-at-home mom with four girls. My husband is college-educated and makes a good living for our family. But, with rising energy and gas prices, we are definitely feeling the pinch in our monthly budget (not to mention rising food prices as well). Ron works twelve miles from home. We do not have additional drivers in our household yet. The driving I do consists of basketball games, dance lessons, and church activities and household errands. We spend over $280/month on gas. To conserve, Ron has begun carpooling at least once a week to work. That is not always easy, but the three drivers are trying to save some money. It is definitely something I think about everyday as I drive to and from town. I try to do all the errands I can at once. We have canceled a planned vacation to California this year to save the money. We hope to be able to do it next year.

I feel we live in a great country. There is more technology than ever before. I hope my country can help to make alternative fuel sources a reality. I know solar cars exist. I have seen one discussed on KTVB news recently. We need this type of research to fuel America's economy. The technology is out there. As an average Idahoan, I hope congress will help drive this process. The greatest country has great means to make great things happen for its people.

CINDY, *Boise.*

I find it pitiful that we even have to ''convince'' our law makers that there is a crisis. Maybe they should learn to live the way the rest of the country does. Paying $4+ for a gallon of gas, $4 for a gallon of milk, $4 for a loaf of bread and just about the same for a dozen eggs. Already that trip to the store in my car costs more then I make in an hour of work. Come on, let us wake up and smell the coffee . . . oh, that is up to (cheap coffee) $8 a pound. We need to start using our own resources and stop sending billions to our enemies. We are a proud nation, so let us start acting like one.

MARTY.

We are retired and on Social Security. If we have to buy more than one tank of gas a month, it is almost impossible to pay our

bills. We have an all electric home and electricity has also went way up in price. We watch propane and natural gas to see if it would be better for us to change, but they have also skyrocketed and just the cost of changing is unaffordable. We also live in fear of losing our Social Security and Medicare because they want to privatize it.

I think what you say you are trying to do now is the right thing but why did not you do this sooner before the tax cut for the rich oil companies was put in force and why do not you speak up and stop these tax cuts from becoming permanent. This is part of what is putting the squeeze on the American people. Thank you very much for giving me the chance to express my opinion.

LOIS.

I concur with policies that will take advantage of wind and solar power technologies, and renewable/alternative fuels. I wish you would reconsider the use of nuclear reactors as I am concerned for our safety and the waste disposable. Without a doubt, we (USA) need to take action ASAP please pass legislation so that we can start using our oil reserves but also start investing in new technologies so that some day we will not need oil all together. I have confidence in our abilities to get this done but it has to have the support of our government and you are in the position to help make a difference to help make the USA a better place to live. Thank you for your time.

UNSIGNED.

I recently traded my 4-wheel-drive Toyota pickup with 35,000 miles on it for a Toyota Camry that gets ten more miles per gallon. I was looking for a 2008 Camry LE 4-cylinder. There were none in stock. All sold out! The 2009 models are in now. The dealership Tom Scott Motors told me all the 4-cylinders were sold by the time gas prices hit $3.50 per gallon. And the V6s were not selling. Two dealerships offered me $1,000 to $3,000 less than my pickup was worth as per Kelly Blue book citing the 4-wheel-drive gas guzzler option was the problem. They said I was lucky I was trading a Toyota and not a full-sized truck. They are not even taking them in trade now and, if they do, the offer is $8,000 to $9,000 back of Kelly Blue Book. I got $13,750 for my trade. In March when gas was $3.00. It was worth $16,775 cash.

You know, it is the politicians that created this theft of Idaho assets in this regard. I am not convinced the politicians will resolve it any time soon. They should have started drilling and building refineries in the 1990s. But good luck with your efforts.

PERRY, *Meridian*.

TRIBUTE TO LINDA NORRIS

Mr. CRAPO. Mr. President, late this fall, my longest-serving staff member, Linda Norris, will be retiring from my staff. Linda has provided 18 years of professional, tireless and dedicated service to the people of Idaho, first as a member of my first House campaign staff in the early 1990s, then as my regional director in Twin Falls, ID, and my State director of constituent services on my Senate staff while retaining her position as Twin Falls regional director. She spent the last few years here in my Washington, DC, office, finishing her time on my staff in her function as State director of constituent services. Linda has consistently worked long hours over the years, and helped me immeasurably by her excellence in the field of constituent and community services and military and veteran relations.

When I met Linda in 1991, I was beginning my bid for a seat in the U.S. House of Representatives, representing the Second Congressional District of Idaho. She asked me very direct questions about my stand on issues, my goals were I to be elected, and my priorities. She vetted me. Once she was satisfied that I met her standards, she offered to take over regional operations for my campaign in south central Idaho in the Magic Valley and Sun Valley area. That began what was to be a highly successful working relationship of close to two decades, and a close personal friendship of a lifetime for me, my wife and family.

Linda has worked diligently on every task that she took on, either given to her or ideas she pursued independently. She has been involved in land issues, helping as we negotiated sensitive access and conservation policies with the tribes, the Air Force, the Idaho Department of Lands, private entities and the counties in the 1990s. She was my office liaison for the Harriman hiking trail in Sun Valley that finally was completed just a few years ago. A nurse by training, Linda is the reason why I became so closely involved in domestic violence issues. She was the first to crystallize the issue by arranging for me to visit a safe house where I met two children physically and emotionally devastated by brutality in their home. At that moment, I pledged to do all I could to work toward eliminating this terrible violence that occurs in too many homes across the United States and beyond.

Linda has a special place in her heart for the military and for veterans. As an Army spouse, she brought a special sense of empathy to her work, together with an extraordinarily perceptive understanding of protocol that goes a long way in ensuring that a Member of Congress's office maintains a positive relationship with Department of Defense officials. The importance of this cannot be understated when it comes to helping Idaho military members and veterans when they have questions or concerns about military and veterans' affairs issues. Linda leaves my office held in very high esteem by both Idaho and national military and veterans affairs officials. Linda also has been solely responsible for the past 15 years for the military academy nomination process in my office. The other members of the Idaho delegation have even advised new staff members to talk to her about the proper procedures and protocol for this complicated and very important process. And, close to 10 years ago, Linda suggested that I create the Spirit of Idaho and Spirit of Freedom awards. The Spirit of Idaho award recognizes extraordinary efforts of Idahoans for community service performed outside of their work life. The Spirit of Freedom Award is one that I present annually to veterans and volunteers for their service to our country and to veterans.

Linda has worked behind the scenes, helping countless constituents when they encounter difficulties with federal agency processes and procedures. She has done everything from facilitate a faster passport application, to helping a number of Idahoans receive Purple Hearts and other military awards, and even helped family members obtain them for relatives long deceased. Linda has celebrated with people who have had long-term problems resolved and cried with mothers who have gotten frightening, desperate calls from a son or daughter deployed overseas and going through bouts of depression or worse. Through it all, she has maintained her composure, professionalism and judicious compassion. Linda also has a reputation for being a patient teacher and mentor. She has provided new staff members with effective training and advice

In all the years Linda has worked for me, she has put Idahoans first and strictly adhered to the ethical and moral requirements of congressional staff work. I could ask for no better service nor could Idahoans. Linda Norris will be missed by staff and constituents alike, and I will miss her professional counsel and hard work. Fortunately, my wife and I have years of her friendship to look forward to, and she knows that Susan and I wish her the best as she begins a new and different journey in her life.

ADOPTION AND CHILD WELFARE POLICY

Mr. ROCKEFELLER. Mr. President, today I would like to talk about the history of adoption and child welfare policy and the importance of the Fostering Connections to Success and Increasing Adoptions Act of 2008 which passed in wrap-up on Monday, September 22, 2008.

First, I want to commend Chairman BAUCUS and Senator GRASSLEY and their professional staffs who have done incredible work to forge a consensus and develop this bold package. Subcommittee Chairman MCDERMOTT and Congressman WELLER and their staffs showed the same leadership and commitment in the House. It was a privilege to be part of the process. This is a strong package with extraordinary broad-based support from the adoption community, child advocates, and even State groups. That consensus was essential to move the legislation and act on behalf of vulnerable children in foster care.

This strong bipartisan, bicameral package will help promote adoption, support guardianship, and improve the outcomes in foster care. The package and the process build on the legacy of the 1997 Adoption and Safe Families Act. In 1997, a bipartisan group came together and developed legislation that started the adoption incentive program, an initiative that spurred genuine change in the child welfare system

including doubling the number of adoptions from foster care over the decade. This means that 443,000 children from foster care have a permanent home and a family, and 3,600 are West Virginia children. A family and a permanent home makes all the difference for a child. The 1997 act also changed the reasonable efforts provisions to restore balance and help focus on the best interest of a child, and providing a safe, stable and permanent home.

The Fostering Connections to Success and Increasing Adoptions Act of 2008 is a historic initiative to further promote adoption and permanency for children. It will eliminate, over time, the outdated connection between adoption assistance eligibility with the broken Aid To Families with Dependent Children, AFDC, a program that was terminated in 1996. The new Adoption Assistance Program is phased in over 10 years, starting with the oldest children or children who have been in care for over 5 years. The package also updates the adoption incentive program.

The bill gives States the option to invest in relative guardianship, a program that was tested and found very successful during the child welfare waivers. Children in relative placement tend to move less and get better reports from the teachers. The package also makes a special investment to promote the promising kinship navigator program to provide support and referrals to the millions of grandparents and relatives raising their kin. It provides new tools and direction to locate relatives as possible care providers. This is an important option that will lead to more permanency for children.

The bill also requires States to do more on educational stability and directs that each child has a coordinated health plan that includes dental and mental health care. This is fundamental for each child. To help staff do a better job serving children, the bill also invests in training programs.

The legislation will also invest in the more than 20,000 young people who age out of foster care, each year. First, it requires that the youth have full support in developing a transition plan 90 days before leaving care. It is not right or appropriate for a foster teen to leave care and move into a homeless shelter. The legislation also encourages States to extend foster care beyond the age of 18 if the young person is engaged in education, job training, employment, or has a disability that prevents such engagement. Young people need and deserve support, and we know that it makes a positive difference.

Finally, for the first time, thanks to Chairman BAUCUS' leadership, the Tribes and Tribal organization will have the option of direct access to Federal foster care to serve Native American children directly.

Many of the provisions in this package, particularly improvements in adoption assistance, have been among my priorities for years. It is exciting to work with colleagues on a success, and it will be even more rewarding to work on its implementation for children and families in West Virginia and nationwide.

DEPARTMENT OF DEFENSE MEDIA CONSOLIDATION

Ms. MIKULSKI. Mr. President, I wish today to recognize the Department of Defense for its successful, BRAC-directed consolidation of the Army, Navy, and Air Force media activities into the new Defense Media Activity on October 1, 2008. The Department of Defense has greatly enhanced the consolidation by including the Marine Corps component and the American Forces Information Service in the new Defense Media Activity.

The consolidation will improve the effectiveness and efficiency with which the Department of Defense media operations provides critical news and information to our Armed Forces around the world. In the summer of 2011, the Defense Media Activity will locate its headquarters to a state-of-the-art facility at Fort Meade, MD.

The Defense Media Activity is staffed by about 1,700 dedicated military and civilian employees who work in 15 countries. I wish the Defense Media Activity continued success in their support of the men and women of our military services and their families.

TRIBUTE TO JIM MILLER

Mr. CONRAD. Mr. President, I come to the floor today to honor my former budget analyst for agriculture, Jim Miller, for his exemplary service. For the last 4 years, Jim has served me as my lead agriculture adviser. His efforts have helped produce great legislative successes for our Nation's farmers and ranchers.

Jim's knowledge of agriculture is extraordinary. His encyclopedic familiarity with Federal agriculture policy allowed him to know the answer to any question I would ask about agriculture. Throughout his service, he garnered the respect and admiration of his colleagues as well as other Senators for his intelligence and his good nature. His wise counsel will be missed.

Jim came to my office in August 2004 after working for the National Farmers Union. Even though Jim had 20 years of agriculture policy expertise and had farmed in his native Washington State for over 20 years before coming to Washington, he had never worked on Capitol Hill.

But he hit the ground running. Shortly after Jim joined my staff, he helped me pass an agriculture disaster assistance package for North Dakota farmers and ranchers in 2004. He also worked for 3 long years to secure additional disaster assistance for North Dakota farmers stricken with flooding in 2005 and severe drought in 2006.

I will always remember Jim for his work during the 2008 farm bill. Jim was my lead negotiator and captain of my farm bill team. Without his leadership and dedication, this most recent farm bill would not be as strong as it is. He gave this effort thousands upon thousands of hours of his time, working with people on both sides of the aisle and in both Houses of Congress to get a fantastic end result. He was responsible for helping me deliver the top priorities for North Dakota producers: increased farm program support levels and a standing disaster program.

I thank him for helping this Congress produce what I think is the best farm bill we have ever had. And it isn't just me that thinks this—it is reflected in the recordbreaking votes we had in the Senate and the large margin of victory we had on overriding the President's two vetoes.

Since Jim left my office, he has rejoined the National Farmers Union. I will forever be grateful for his tireless efforts, his creative thinking, his coalition building, and friendship. I wish him all the best in his new endeavor.

ADDITIONAL STATEMENTS

RECOGNIZING ROY SILVERSTEIN, M.D

• Mr. BROWN. Mr. President, I would like to take a few moments to recognize the achievements of Dr. Roy Silverstein, an Ohioan who has dedicated his professional life to biomedical research and medicine.

Dr. Silverstein is currently chairman of the Department of Cell Biology and vice chair for translational research at the Lerner Research Institute, as well as professor of molecular medicine at the Cleveland Clinic Lerner College of Medicine at Case Western Reserve University.

Having chaired multiple grant review panels and published over 100 articles in various publications and scientific journals, Dr. Silverstein has accomplished an extraordinary number of professional milestones and achievements.

As committee chair for the American Society of Hematology, ASH, for the past 4 years, Dr. Silverstein has led the society's efforts to educate Members of Congress about hematology and the importance of Federal research funding. In this capacity, Dr. Silverstein has visited with me and my staff to educate us about the critical issues facing hematologists.

The skilled advocacy and research of Dr. Silverstein remind many of us in Congress of how crucial it is to keep NIH funding strong. His work demonstrates that NIH funding truly is a vehicle for enhancing the health and wellbeing of Americans. In addition to continuing his own research in blood clotting and bleeding disorders, Dr. Silverstein has also shown great commitment to educating our next generation of physicians and researchers. Dr. Silverstein is a superb advocate for his

profession, and I am grateful for his lifetime contribution to treating blood diseases and advocating for biomedical research.●

RECOGNIZING HUSSON UNIVERSITY

● Ms. COLLINS. Mr. President, I recognize a landmark event at one of our Nation's great success stories in higher education. On October 11, 2008, Husson College in my home State of Maine will become Husson University.

This designation is but the latest chapter in a history that is truly inspiring. It began more than a century ago, in 1898, when Chesley Husson founded the Shaw School of Business on the second floor of a building in downtown Bangor, offering instruction in such cutting-edge technologies of the day as typing and telegraphy. From the very start, Husson has remained a private school with an entrepreneurial approach and a commitment to educating young people of limited means.

Since then, Husson has grown tremendously, both in the size of its beautiful campus and in the range of the courses and degrees offered. It has grown because, through all those years, Husson has remained true to its founding principles of responding to needs, recognizing opportunities, and delivering real value.

Today, Husson offers a university-caliber range of both undergraduate and graduate degrees, including graduate professional degrees in business, health and education. It is home to the New England School of Communications, which offers audio, video, Web and computer programs, marketing, theater, and both print and broadcast journalism, and to the Bangor Theological Seminary, the only accredited graduate school of religion in Northern New England. In addition to its main campus in Bangor, Husson has developed a statewide reach with education centers in South Portland and Presque Isle, the Boat School in Eastport, and Unobskey College in Calais.

The Husson story is, however, about more than growth in enrollment, degree offerings, and campus locations. It also is a story of fostering personal growth, of preparing graduates for successful professional careers, and of promoting in each student the development of individual self-worth.

Before coming to the Senate, I had the honor of serving as the founding director of the Dyke Center for Family Business. I have never known a school, a faculty, or a student body more focused on preparing for a professional career than at Husson. Husson truly is remarkable in its dedication to this aspiration and its clear sense of purpose.

I saw in Husson students an emerging sense of personal pride, a sense of self-worth grounded in knowledge and confidence. This wonderful combination of hands-on learning, personal attention from the faculty, friendships that develop with other students, and self-discovery is the Husson spirit. As I travel throughout Maine and across the Nation I find Husson alumni from every walk of life who possess that invaluable sense of self-worth.

Husson is more than a pretty campus in a small city that shines, as Thoreau put it, ''like a star on the edge of night.'' Husson is a network. It is a network that includes teachers, architects, bankers, nurses and therapists, counselors, criminal justice administrators, hospital CEOs and doctors, corporate executives and entrepreneurs, heads of architectural firms, senior law partners and entrepreneurs. It is a network that reaches across the State of Maine and around the world.

If there is one thing today's college students do not need to be told, it is that the world is changing every day. A big part of the Husson spirit is anticipating change. Among Husson alumni there are business graduates who have become architects and attorneys, nurses who are hospital CEOs, and teachers who have become ministers. A Husson degree is more than proof that a student can do one thing well. By developing the skills to perfect one profession, Husson graduates learn the discipline, leadership skills, and problem-solving capabilities to change with the times. The Husson spirit is not just about being part of change, but of leading it.

The change I recognize today is evidence of that spirit. I congratulate Husson College as it becomes Husson University. The Husson story is remarkable, but I know that the most remarkable chapters have yet to be written.●

CHARLES CITY COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes today, to salute the dedicated teachers, administrators, and school board members in the Charles City Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Charles City Community School District received several fire safety grants totaling $377,303. The 2001, 2003 and 2005 grants were used to upgrade fire safety systems at the high school, the middle school and Washington Elementary. The 2002 grant was used to upgrade the electrical system at the high school. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Charles City Community School District. In particular, I would like to recognize the leadership of the board of education—Mark Miller, Ralph Smith, Matt Spading, Bill Fenholt and Randy Heitz, and former board members, Sam Offerman, Dean Tjaden, Susan Ayers, Patti Emmel, Scott Dight, Virginia Ruzicka and DeLaine Freeseman. I would also like to recognize superintendent Andy Pattee, former superintendents David Bradley and Marty Lucas, buildings and grounds director Steve Otto and business manager Terri O'Brien.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Charles City Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

LOGAN-MAGNOLIA COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes today to salute the dedicated teachers, administrators, and school board members in the Logan-Magnolia Community School District and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Logan-Magnolia Community School District received a 2002 Harkin grant totaling $1 million which it used to help build additional classrooms. These additional classrooms allowed the district to provide preschool, special education, and afterschool programs. This school is a modern, state-of-the-art facility that befits the educational ambitions and excellence of this school district. Indeed, it is the kind of school facility that every child in America deserves.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Logan-Magnolia Community School District. In particular, I would like to recognize the leadership of the board of education—president Dennis Alvis, vice-president Kevin Mann, Kelly Gochenour, Mike Branstetter and Dan Cohrs, and former members, president Randy Koenig, Kris Earlywine, and Jim Noneman. I would also like to recognize superintendent James Hammrich, former superintendent Ed Gambs, principal Jim Makey, principal Katy Sojka, board secretary and business manager Karen Jacobsen, and secretaries Mary Johnsen, Cheryl Greenwood, and Margaret Straight.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Logan-Magnolia Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them and wish them a very successful new school year.●

NEVADA COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Nevada Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Nevada Community School District received several Harkin fire safety grants totaling $ 154,000 which it used to install fire alarm systems at the elementary, middle and high schools as well as emergency lighting at the high school. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute superintendent James Walker, the entire staff, administration, and governance in the Nevada Community School District. In particular, I would like to recognize the leadership of the board of education—president Curt Hoff, Marcia Engler, David Laird, Marty Chitty and Mike Bates, as well as former members president Carol Holstine, Dan Morrical, Renee Larsen, Laura Lillard, Bill Van Sickle, Jim Niblock and Marty Mortvedt. Building and grounds director Richard ''Scottie'' Scott, business manager Brian Schaeffer, and former superintendent Harold Hulleman were all instrumental in the application and implementation of the grant.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Nevada Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

OTTUMWA COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes today to salute the dedicated teachers, administrators, and school board members in the Ottumwa Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Ottumwa Community School District received several Harkin grants totaling $3,129,313 which it used to help modernize and make safety improvements throughout the district. Harkin

construction grants totaling $2 million have helped with renovations at several schools in the district including Ottumwa High School, Evans Middle School and Douma and James Elementary Schools. These projects have included new classrooms, new roofs, and new HVAC systems. These schools are the modern, state-of-the-art facilities that befit the educational ambitions and excellence of this school district. Indeed, they are the kind of schools that every child in America deserves.

The district also received eight fire safety grants totaling $1,129,313 to make improvements at buildings throughout the district including Ottumwa High School, the alternative high school, Evans Middle School, Wildwood, Wilson, Agassiz, Horace Mann, James and Pickwick Elementary Schools. The improvements included emergency and exit lighting, new sprinkler systems, upgraded fire alarm systems, electrical work and other safety repairs. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Ottumwa Community School District. In particular, I would like to recognize the leadership of the board of education—Pat Curran, Cindy Kurtz-Hopkins, Carol Mitchell, Payson Moreland, Ron Oswalt, Doug Mathias and Jeff Strunk and former board members Cathy Angle, Ken Crosser, Bob Ketcham, Don Krieger, Andrea McDowell, Michael Neary, Steve Menke, Jerri Stroda, Bob Warren and Mark Zeller. I would also like to recognize superintendent Jon Sheldahl; former superintendents Joe Scalzo and Tom Rubel; business managers Dick Springsteen and John Donner; directors of operations Lowell Smith, Steve Propp, Darrell Reams and Danny Renfrew; and community programs director Kim Hellige.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultra-modern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Ottumwa Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

WESTERN DUBUQUE COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes today to salute the dedicated teachers, administrators, and school board members in the Western Dubuque Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Western Dubuque Community School District received two Harkin grants totaling $1.5 million which it used to help with several projects in the district. A 2001 construction grant for $500,000 was used to help build a new school in Epworth, an addition to the Cascade school to provide classrooms for preschool and kindergarten programs and for additions for career education to the district's two high schools. The district received a $1 million grant in 2002 to help build pre-kindergarten classrooms in Farley and Peosta. These schools are the modern, state-of-the-art facilities that befit the educational ambitions and excellence of this school district. Indeed, they are the kind of school facilities that every child in America deserves.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Western Dubuque Community School District. In particular, I'd like to recognize the leadership of the current board of education—Robert McCabe, Jeanne Coppola, Barb Weber, Mark Knuth, Gary McAndrew and former board members June Brandenburg, Tom Gassman, Dr. Tom Miner, John Howard, Nancy Ludwig and John Perrenoud. I would also like to recognize superintendent Jeff Corkery, former superintendents Harold Knutsen, Bev Goerdt and Wayne Drexler, director of buildings and grounds Bob Hingtgen, business manager Dave Wegeman and the members of the Kids First Committee, Cascade Area Resource for Education—CARE—and Bobcat Capital Support Foundation.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultra modern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Western Dubuque Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

TRIBUTE TO YWCA OF NORTHWEST GEORGIA

● Mr. ISAKSON. Mr. President, on October 23, 2008, the YWCA of Northwest Georgia will hold a vigil on Marietta Square in my hometown to commemorate Domestic Violence Awareness Month. I wish to express my gratitude for the work of the YWCA of Northwest Georgia and its executive director Holly Comer as they bring awareness to this important issue and its impact on our community.

The YWCA of Northwest Georgia opened the doors to the first domestic violence shelter in Cobb County in 1978 in an effort to end domestic violence in our State, our communities, and our homes. A home should be a place of stability, comfort, and love. Domestic violence shatters this important foundation. The terrible tragedies that result from domestic violence destroy lives and insult the dignity of women, men, and children. I believe I represent all Georgians when I say thank you to the YWCA of Northwest Georgia for its hard work to combat domestic violence and help those who have been victimized.

I am grateful for the social service providers, advocates, counselors, and many others who provide care for the victims. I am also grateful to the law

enforcement personnel and others who work to bring offenders to justice. As we recognize Domestic Violence Awareness Month, we are reminded of the important service these individuals provide.

Domestic violence has no place in our society, and I am strongly committed to addressing domestic violence and helping those who have been victimized. By working together with the YWCA of Northwest Georgia and its dedicated staff, we can build a Georgia where every home honors the value and dignity of its loved ones.●

100TH ANNIVERSARY OF GEORGIAN COURT UNIVERSITY

● Mr. LAUTENBERG. Mr. President, today I congratulate Georgian Court University, GCU, on its 100th anniversary. For the past century, GCU has been a leader in higher education, encouraging intellectual inquiry, ethical professionalism, and community involvement. I am proud to have this institution in New Jersey, and it is an honor to pay tribute to its achievements.

Georgian Court University was founded by the Sisters of Mercy in 1908 as a women's college, and it remains dedicated to the success of women today. The Women's College at GCU provides an environment conducive to academic achievement and offers a liberal arts education tailored to women's learning styles. In particular, GCU's Women in Leadership Development Program is one of the most powerful programs for young women today. By participating on university committees, making presentations, lobbying legislators, and networking with mentors, students develop the skills and tools needed by today's successful women leaders.

In the 1970s, Georgian Court University expanded its programs and opened its doors to men. Over the decades, GCU has added buildings and faculty to meet the growing student population, which stands at more than 3,000 today. In addition to the original GCU estate, which has been preserved and is on the National Register of Historic Places, the GCU landscape includes a new wellness center, residence hall, chapel, and science wing that were all added in the last several years.

With 29 undergraduate and eight graduate degree offerings, GCU continues to develop new academic programs. Their new nursing program, established just this year, will help stem nursing shortages in New Jersey. Their accelerated and executive MBA program allows executives to gain the information they need to advance their careers, and as one of only 50 NASA Educational Resource Centers, GCU ensures that teachers have the most up-to-date scientific information for their classrooms.

Finally, I would like to pay tribute to the service of Georgian Court University's faculty and students. Whether sending teams of students and staff to install water systems in poverty-stricken areas of Honduras or helping local homeless populations in New Jersey, GCU is committed to making the world a better place.

Mr. President, the students, alumni, and staff of Georgian Court University have much to be proud of as they celebrate 100 years of academia. I applaud GCU for its many years of service, and I wish the university continued success in the years ahead.●

TRIBUTE TO MARY MARK

● Mr. SMITH. Mr. President, former Oregon Governor Tom McCall once said, ''Heroes are not statues framed against a red sky. They are people who say, 'This is my community and it is my responsibility to make it better'.''

Today I pay tribute to a remarkable lady who truly earned the title of ''hero,'' because few individuals have done more in the past several decades to make the community of Portland, OR, a better place than Mary Mark. Mary passed away recently, and last week I joined with over 600 other Oregonians in attending a tribute service that honored Mary's life and legacy.

I first met Mary some 13 years ago when I was just beginning my campaign for the Senate. I had heard from many friends of the sterling reputation of Mary and her husband Pete and their status as two of Oregon's most generous philanthropists, but since I was from east of the mountains, I had not had the opportunity to meet them. And, unfortunately, the purpose of our meeting was for me to do something I hate to do, but which is a necessary evil for running for office—and that's to ask people for money.

It didn't take me but a few minutes into the meeting to reach a few conclusions—conclusions that have been reinforced time and time again over the years. First, Mary and Pete were two of the warmest and most gracious people I had ever met. There is a tradition here on the floor of the U.S. Senate where members refer to each other as ''gentleman'' or ''gentlelady.'' We yield to the ''gentleman from Iowa,'' or we agree with the remarks of the ''gentlelady from Maine.'' There are some who believe the terms are quaint and old-fashioned. I do not. I don't think that manners and kindness and courtesy ever go out of fashion. And I can't think of better words to describe Pete and Mary as a ''gentleman'' and a ''gentlelady.''

The second conclusion I reached is that Mary and Pete were two of the keenest observers of the political scene that I had ever met. I always looked forward to our meetings, because I knew that Mary was going to ask me some tough questions, and I knew she would share with me her very perceptive opinions. To be frank, in our business it is easy to find individuals who will tell me what they think I want to hear. Mary Mark always told me what I needed to hear.

It was also easy to see that as much as Mary loved her country and her community, the true great love of her life was her husband, and their wonderful children and grandchildren. Mary understood instinctively that our success as a society depends not on what happens in the conference tables of Washington, DC, but on what happens at kitchen tables in every community in Oregon. And when Sharon and I experienced a tragedy in our family, Mary and Pete reached out to us with kindness and compassion.

Mr. President, the Greek poet Sophocles once wrote, ''One must wait until the evening to see how splendid the day has been.'' For her family, for the community of Portland, and for Mary's countless friends and admirers, the evening of Mary's life came much too soon. It is my hope, however, that we can find solace in the fact that in the evening of her time on earth, Mary Mark could look back at a life filled with family, a life filled with generosity, a life filled with service to others, a life filled with making a positive difference, and say that the day had indeed been splendid.

May God bless Mary Mark, and may we all carry on her legacy by loving our community and by loving our family.●

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 9:33 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1760. An act to amend the Public Health Service Act with respect to the Healthy Start Initiative.

S. 3241. An act 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''.

H.R. 923. An act to provide for the investigation of certain unsolved civil rights crimes, and for other purposes.

H.R. 1199. An act to extend the grant program for drug-endangered children.

H.R. 5834. An act to amend the North Korean Human Rights Act of 2004 to promote respect for the fundamental human rights of the people of North Korea, and for other purposes.

H.R. 6984. An act to amend title 49, United States Code, to extend authorizations for the airport improvement program, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.

At 12:25 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H. R. 2638) making appropriations for the Department of Homeland Security for the fiscal year ending September 20, 2008, and for other purposes, with an

amendment, in which it requests the concurrence of the Senate.

At 2:30 p.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 2095) to amend title 49, United States Code, to prevent railroad fatalities, injuries and hazardous materials releases, to authorize the Federal Railroad Safety Administration, and for other purposes, with an amendment, in which it requests the concurrence of the Senate.

At 3:07 p.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2583. An act to amend title VII of the Public Health Service Act to establish a loan program for eligible hospitals to establish residency in training programs.

H.R. 3511. An act to designate the facility of the United States Postal Service located at 2150 East Hardtner Drive in Urania, Louisiana, as the ''Murphy A. Tannehill Post Office Building.''

H.R. 5265. An act to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Becker, congenital, distal, Duchenne, Emery-Dreifuss facioscapulohumeral, limb-girdle, myotonic, and oculopharyngeal, muscular dystrophies.

H.R. 6198. An act to designate the facility of the United States Postal Service located at 1700 Cleveland Avenue in Kansas City, Missouri, as the ''Reverend Earl Abel Post Office Building.''

H.R. 6353. An act to amend the Controlled Substances Act to address online pharmacies.

H.R. 6406. An act to elevate the Inspector General of the Commodity Futures Trading Commission to an Inspector General appointed pursuant to section 3 of the Inspector General Act of 1978.

H.R. 6849. An act to amend the commodity provisions of the Food, Conservation, and Energy Act of 2008 to permit producers to aggregate base acres and reconstitute farms to avoid the prohibition on receiving direct payments, counter-cyclical payments, or average crop revenue election payments when the sum of the base acres of a farm is 10 acres or less, and for other purposes.

H.R. 6874. An act to designate the facility of the United States Postal Service located at 156 Taunton Avenue in Seekonk Massachusetts, as the ''Lance Corporal Eric Paul Valdepenas Post Office Building.''

H.R. 6908. An act to require that limitations and restrictions on coverage under group health plans be timely disclosed to group health plan sponsors and timely communicated to participants and beneficiaries under such plans in a form that is easily understandable.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 223. Concurrent resolution honoring professional surveyors and recognizing their contributions to society.

H. Con. Res. 351. Concurrent resolution honoring the 225th anniversary of the Continental Congress meeting in Nassau Hall, Princeton, New Jersey, in 1783.

H. Con. Res. 386. Concurrent resolution recognizing and celebrating the 232d anniversary of the signing of the Declaration of Independence.

The message further announced that the House has passed the following bills, without amendment:

S. 2606. An act to reauthorize the United States Fire Administration, and for other purposes.

S. 3009. An act to designate the Federal Bureau of Investigation building under construction in Omaha, Nebraska, as the ''J. James Exon Federal Bureau of Investigation Building.''

At 6:50 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 160. An act to amend the American Battlefield Protection Act of 1996 to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes.

H.R. 758. An act to require that health plans provide coverage for a minimum hospital stay for mastectomies, lumpectomies, and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations.

H.R. 1532. An act to amend the Public Health Service Act with respect to making progress toward the goal of eliminating tuberculosis, and for other purposes.

H.R. 2933. An act to amend the American Battlefield Protection Act of 1996 to extend the authorization for that Act, and for other purposes.

H.R. 2994. An act to amend the Public Health Service Act with respect to pain care.

H.R. 4544. An act to require the issuance of medals to recognize the dedication and valor of Native American code talkers.

H.R. 4828. An act to amend the Palo Alto Battlefield National Historic Site Act of 1991 to expand the boundaries of the historic site, and for other purposes.

H.R. 6323. An act to establish a research, development, demonstration, and commercial application program to promote research of appropriate technologies for heavy duty plug-in hybrid vehicles and for other purposes.

H.R. 6980. An act to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to increase the amount of the Medal of Honor special pension provided under that title by up to $1,000.

The message also announced that the House has passed the following bills with an amendment, in which it requests the concurrence of the Senate:

S. 2162. An act to improve the treatment and services provided by the Department of Veterans Affairs to veterans with post-traumatic stress disorder and substance use disorders, and for other purposes.

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.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 6980. An act to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to increase the amount of the Medal of Honor special pension provided under that title by up to $1,000; to the Committee on Veterans' Affairs.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on today, September 25, 2008, she had presented to the President of the United States the following enrolled bills and joint resolutions:

S. 171. An act 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''.

S. 2135. An act to prohibit the recruitment or use of child soldiers, to designate persons who recruit or use child soldiers as inadmissible aliens, to allow the deportation of persons who recruit or use child soldiers, and for other purposes.

S.J. Res. 35. Joint resolution 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.

S.J. Res. 45. Joint resolution expressing the consent and approval of Congress to an interstate compact regarding water resources in the Great Lakes—St. Lawrence River Basin.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–7881. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel Lottery in Areas 542 and 543'' ((RIN0648-XJ73)(Docket No. 071106673-8011-02)) received on September 8, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7882. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Quota Transfer'' ((RIN0648-XJ49)(Docket No. 061109296-7009-02)) received on September 8, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7883. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Greenland Turbot in the Aleutian Islands Subarea of the Bering Sea and Aleutian Islands Management Area'' ((RIN0648-XJ81)(Docket No. 071106673-8011-02)) received on September 8, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7884. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Atka Mackerel in the Bering Sea and Aleutian Islands Management Area; Correction'' ((RIN0648-XJ59)(Docket No. 071106673-8011-02)) received on September 8, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7885. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-grouper Fishery of the South Atlantic; Closure of the 2008 Commercial Fishery for Golden Tilefish in the South Atlantic'' ((RIN0648-XI45)(Docket No. 040205043-4043-01)) received on September 8, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7886. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska'' ((RIN0648-XK11)(Docket No. 071106671-8010-02)) received on September 8, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7887. A communication from the Acting Assistant Administrator for Fisheries, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries in the Western Pacific; Precious Corals Fisheries; Black Coral Quota and Gold Coral Moratorium'' ((RIN0648-AV30)(Docket No. 070720400-81019-02)) received on September 8, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7888. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska'' ((RIN0648-XJ66)(Docket No. 071106671-8010-02)) received on September 8, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7889. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Greenland Turbot in the Bering Sea and Aleutian Islands Management Area ((RIN0648-XJ95)(Docket No. 071106673-8011-02)) received on September 8, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7890. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations (including 2 regulations beginning with USCG-2008-0763)'' (RIN1625-AA00) received on September 9, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7891. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone Regulations (including 2 regulations beginning with USCG-2008-0218)'' (RIN1625-AA00) received on September 9, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7892. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Regulated Navigation Area and Safety Zone, Chicago Sanitary and Ship Canal, Romeoville, IL'' ((RIN1625-AA11)(Docket No. USCG-2008-0470)) received on September 9, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7893. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone Regulations (including 10 regulations beginning with USCG-2008-0433)'' (RIN1625-AA00) received on September 9, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7894. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels 60 ft (18.3 m) LOA and Longer Using Hook-and-Line Gear in the Bering Sea and Aleutian Islands Management Area'' ((RIN0648-XK13)(Docket No. 071106673-8011-02)) received on September 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7895. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area'' ((RIN0648-XK14)(Docket No. 071106673-8011-02)) received on September 18, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7896. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations; Water Mill and Noyack, New York'' (MB Docket No. 03-44) received on September 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7897. A communication from the Chief of the Policy Division, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of Spectrum and Service Rules for Ancillary Terrestrial Components in the 1.6/2.4 GHz Big LEO Bands'' (IB Docket No. 07-253) received on September 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7898. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Reduction Plan Regulations'' ((RIN0648-AW84)(Docket No. 080509647-81084-02)) received on September 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7899. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Monkfish Fishery; Framework Adjustment 6 to the Monkfish Fishery Management Plan'' ((RIN0648–AW81)(Docket No. 08–627793–81063–02)) received on September 18, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7900. A communication from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Advance Construction of Federal-Aid Projects'' (RIN2125–AF23) received on September 18, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7901. A communication from the Acting Assistant General Counsel for Regulations, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Nondiscrimination on the Basis of Disability in Air Travel'' (RIN2105–AC97) received on September 18, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7902. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Cirrus Design Corporation Model SR20 and SR22 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2007–28245)) received on September 18, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7903. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300 and A300–600 Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2008–0222)) received on September 18, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7904. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 700–400F, 747SR, and 747SP Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2008–0166)) received on September 18, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7905. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Lycoming Engines, Fuel Injected Reciprocating Engines'' ((RIN2120–AA64)(Docket No. FAA–2007–0218)) received on September 18, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7906. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Agusta S.p.A. Model AB 139 and AW 139 Helicopters'' ((RIN2120–AA64)(Docket No. FAA–2008–0256)) received on September 18, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7907. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bell Helicopter Textron Canada Model 206L, L–1, L–3, L–4, and 407 Helicopters'' ((RIN2120–AA64)(Docket No. FAA–2008–0258)) received on September 18, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7908. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bell Helicopter Textron Canada Model 222, 222B, 222U, 230 and 430 Helicopters'' ((RIN2120–AA64)(Docket No. FAA–2008–0039)) received on September 18, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7909. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), DC–9–87 (MD–87), and MD–88 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2007–29335)) received on September 18, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7910. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Lockheed Model 1329 Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2007–28255)) received on September 18, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7911. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Gulfstream Aerospace LP Model Astra SPX, 1125 Westwind Astra, and Gulfstream 100 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2008–0299)) received on September 18, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7912. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Dassault Model Falcon 2000 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2008–0272)) received on September 18, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7913. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; APEX Aircraft Model CAP 10 B Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2008–0536)) received on September 18, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7914. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Staunton, VA'' ((Docket No. FAA–2008–0170)(Airspace Docket No. 08–AEA–16)) received on September 18, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7915. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Restricted Area 5107A; White Sands Missile Range, NM'' ((RIN2120–AA66)(Docket No. FAA–2008–0628)) received on September 18, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7916. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Area Navigation Route Q–110 and Jet Route J–73; Florida'' ((Docket No. FAA–2008–0187)(Airspace Docket No. 07–ASO–27)) received on September 18, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7917. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D and Class E Airspace; Altus AFB, OK; Confirmation of Effective Date'' ((Docket No. FAA–2008–0339)(Airspace Docket No. 08–ASW–5)) received on September 18, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7918. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Factoryville, PA'' ((Docket No. FAA–2007–29361)(Airspace Docket No. 07–AEA–5)) received on September 18, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7919. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class D and Class E Airspace; Rome, NY'' ((Docket No. FAA–2008–0550)(Airspace Docket No. 08–AEA–21)) received on September 18, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7920. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Flight Simulation Training Device Initial and Continuing Qualification and Use'' ((RIN2120–AJ12)(Docket No. FAA–2002–12461)) received on September 18, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7921. A communication from the Secretary of the Treasury, transmitting, pursuant to Executive Order 13313 of July 31, 2003, the semiannual report detailing payments made to Cuba as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses; to the Committee on Foreign Relations.

EC–7922. A communication from the President of the United States, transmitting, pursuant to law, a report entitled ''Comprehensive Nuclear Threat Reduction and Security Plan''; to the Committee on Foreign Relations.

EC–7923. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to providing information on U.S. military personnel and U.S. civilian contractors involved in the anti-narcotics campaign in Colombia; to the Committee on Foreign Relations.

EC–7924. A communication from the Director, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, a report relative to the U.S. Agency for International Development's accounting of fiscal year 2007 drug control obligations and performance measures; to the Committee on Foreign Relations.

EC–7925. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad; to the Committee on Foreign Relations.

EC–7926. A communication from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2008–149—2008–153); to the Committee on Foreign Relations.

EC–7927. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a certification regarding the proposed transfer of major defense equipment from the ex-HMAS Canberra, a Frigate of the Oliver Hazard Perry Class, to the Australian State Government of Victoria; to the Committee on Foreign Relations.

EC–7928. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license for the manufacture of significant military equipment abroad (Centaur High Capacity Data Radio); to the Committee on Foreign Relations.

EC–7929. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''Amendment to the International Arms Traffic in Arms Regulations: Rwanda'' (22 CFR Part 126) received on September 18, 2008; to the Committee on Foreign Relations.

EC–7930. A communication from the Administrator, Business and Cooperative Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Intermediary Relending Program'' (RIN0570–AA70) received on September 17, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7931. A communication from the Assistant Director of the Directives and Regulations Branch, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Predecisional Administrative Review Process for Hazardous Fuel Reduction Projects Authorized Under the Healthy Forests Restoration Act of 2003'' (RIN0596–AC15) received on September 15, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7932. A communication from the Division Director, Policy Issuances Division, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Accredited Laboratory Programs'' (RIN0583–AD09) received on September 18, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7933. A communication from the Administrator, Risk Management Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Common Crop Insurance Regulations; Dry Pea Crop Provisions'' (RIN0563–AC14) received on September 18, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7934. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tuberculosis; Amend the Status of California from Accredited Free to Modified Accredited Advanced'' (Docket No. APHIS–2008–0067) received on September 18, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7935. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''National Animal Identification System; Use of 840 Animal Identification Numbers for U.S.-Born Animals Only'' (Docket No. APHIS–2008–0077) received on September 18, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7936. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting, pursuant to law, the report of a rule entitled ''Tuberculosis; Amend the Status of New Mexico from Accredited Free to Modified Accredited Advanced'' (Docket No. APHIS–2008–0068) received on September 17, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7937. A communication from the Secretary of Labor, transmitting, pursuant to law, a report on a violation of the Anti-Deficiency Act relative to the Senior Community Service Employment Program (SCSEP); to the Committee on Appropriations.

EC–7938. A communication from the Administrator, U.S. Agency for International Development, transmitting, pursuant to law, a report on a violation of the Anti-Deficiency Act relative to a lease agreement for additional office space in Washington, D.C.; to the Committee on Appropriations.

EC–7939. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report entitled ''2008 Report to Congress on Sustainable Ranges''; to the Committee on Armed Services.

EC–7940. A communication from the Chief, Programs and Legislation Division, Department of the Air Force, transmitting, pursuant to law, a report relative to a public-private competition conducted on September 8, 2008; to the Committee on Armed Services.

EC–7941. A communication from the Chief, Programs and Legislation Division, Department of the Air Force, transmitting, pursuant to law, a report relative to the initiation of a single function standard competition of the Maintenance Function located at Kaena Point; to the Committee on Armed Services.

EC–7942. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' ((Docket No. FEMA–8037)(44 CFR Part 64)) received on September 12, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–7943. A communication from the Associate General Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Home Equity Conversion Mortgages (HECMs): Determination of Maximum Claim Amount; and Eligibility for Discounted Mortgage Insurance Premium for Certain Refinanced HECM Loans'' (RIN2502–AI49) received on September 12, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–7944. A communication from the Chief Council, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' ((Docket No. FEMA–B–1001)(44 CFR Part 65)) received on September 18, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–7945. A communication from the General Counsel, Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled ''Golden Parachute Payments and Indemnification Payments'' (RIN2590–AA08) received on September 15, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–7946. A communication from the Deputy Director, Terrorism Risk Insurance Program, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Terrorism Risk Insurance Program Reauthorization Act Implementation'' (RIN1505–AB93) received on September 16, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–7947. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' ((73 FR 52621)(44 CFR Part 67)) received on September 18, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–7948. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Assessment of Fees'' ((RIN1556–AD06)(Docket No. OCC–2008–0013)) received on September 18, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–7949. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the technical milestones for 2020 goals and project status for the Clean Coal Power Initiative; to the Committee on Energy and Natural Resources.

EC–7950. A communication from the Acting Chief Human Capital Officer, Department of Energy, transmitting, pursuant to law, the report of a vacancy and the designation of an acting officer for the position of Assistant Secretary, Energy Efficiency and Renewable Energy, received on September 12, 2008; to the Committee on Energy and Natural Resources.

EC–7951. A communication from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Bonus of Royalty Credits for Relinquishing Certain Leases Offshore Florida'' (RIN1010–AD44) received on September 12, 2008; to the Committee on Energy and Natural Resources.

EC–7952. A communication from the Assistant Secretary for Fish and Wildlife and Parks, National Park Service, transmitting, pursuant to law, the report of a rule entitled ''Special Regulation: Areas of the National Park System'' (RIN1024–AD53) received on September 16, 2008; to the Committee on Energy and Natural Resources.

EC–7953. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Alabama Regulatory Program'' ((SATS No. AL–074–FOR)(30 CFR Part 901)) received September 18, 2008; to the Committee on Energy and Natural Resources.

EC–7954. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Industry Codes and Standards; Amended Requirements'' (RIN3150–AH76) received on September 12, 2008; to the Committee on Environment and Public Works.

EC–7955. A communication from the Assistant Secretary for Administration and Management, Chief Acquisition Officer, Department of Labor, transmitting, pursuant to law, a report relative to the fiscal year 2007 Buy American Report; to the Committee on Health, Education, Labor, and Pensions.

EC–7956. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of a vacancy and designation of an acting officer for the position of Administrator, Substance Abuse and Mental Health Services Administration, received on September 18, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–7957. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of a vacancy and discontinuation of service in acting role for the position of General Counsel, received on September 18, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–7958. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of a vacancy and designation of an acting officer for the position of General Counsel, received on September 18, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–7959. A communication from the Acting Chairman, National Transportation Safety Board, transmitting, pursuant to law, a report relative to the activities performed by the agency that are not inherently governmental functions; to the Committee on Homeland Security and Governmental Affairs.

EC–7960. A communication from Acting Chairman, National Transportation Safety Board, transmitting, pursuant to law, a report entitled ''Fiscal Year 2007 Annual Report on the Notification and Federal Employee Antidiscrimination And Retaliation Act of 2002''; to the Committee on Homeland Security and Governmental Affairs.

EC–7961. A communication from the Acting Director, Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Prevailing Rate Systems; Redefinition of the New Orleans, Louisiana, Appropriated Fund Federal Wage System Wage Area'' (RIN3206–AL68) received on September 18, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7962. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled ''Report of Lobbying Disclosure Act Enforcement''; to the Committee on the Judiciary.

EC–7963. A communication from the Deputy White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a vacancy and designation of an acting officer in the position of United States Attorney, Northern District of New York, received on September 18, 2008; to the Committee on the Judiciary.

EC–7964. A communication from the Deputy General Counsel and Designated Reporting Official, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, the report of a vacancy and designation of an acting officer in the position of Deputy Director for Demand Reduction, received on September 18, 2008; to the Committee on the Judiciary.

EC–7965. A communication from the Director, Regulation Policy and Management, Department of Veterans, transmitting, pursuant to law, the report of a rule entitled ''Schedule for Rating Disabilities; Evaluation of Scars'' (RIN2900–AM55) received on September 18, 2008; to the Committee on Veterans' Affairs.

EC–7966. A communication from the Director, Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Presumption of Service Connection for Amyotrophic Lateral Sclerosis'' (RIN2900–AN05) received on September 18, 2008; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DORGAN, from the Committee on Indian Affairs, with amendments:

H.R. 2963. A bill to transfer certain land in Riverside County, California, and San Diego County, California, from the Bureau of Land Management to the United States to be held in trust for the Pechanga Band of Luiseno Mission Indians, and for other purposes (Rept. No. 110–503).

H.R. 5680. To amend certain laws relating to Native Americans, and for other purposes (Rept. No. 110–504).

By Mr. DORGAN, from the Committee on Indian Affairs, without amendment:

S. 160. A bill to provide for compensation to the Lower Brule and Crow Creek Sioux Tribes of South Dakota for damage to tribal land caused by Pick-Sloan projects along the Missouri River (Rept. No. 110–505).

S. 2489. A bill to enhance and provide to the Oglala Sioux Tribe and Angostura Irrigation Project certain benefits of the Pick-Sloan Missouri River basin program (Rept. No. 110–506).

By Mr. LEAHY, from the Committee on the Judiciary:

Report to accompany S. 2041, a bill to amend the False Claims Act (Rept. No. 110–507).

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 3160. A bill to reauthorize and amend the National Sea Grant College Program Act, and for other purposes (Rept. No. 110–508).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

H.R. 1943. A bill to provide for an effective HIV AIDS program in Federal prisons.

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

H.R. 2631. To strengthen efforts in the Department of Homeland Security to develop nuclear forensics capabilities to permit attribution of the source of nuclear material, and for other purposes.

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

H.R. 3971. To encourage States to report to the Attorney General certain information regarding the deaths of individuals in the custody of law enforcement agencies, and for other purposes.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 659. A resolution designating September 27, 2008, as Alcohol and Drug Addiction Recovery Day.

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with amendments:

S. 3477. A bill to amend title 44, United States Code, to authorize grants for Presidential Centers of Historical Excellence.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 3501. A bill to ensure that Congress is notified when the Department of Justice determines that the Executive Branch is not bound by a statute.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Clark Waddoups, of Utah, to be United States District Judge for the District of Utah.

Michael M. Anello, of California, to be United States District Judge for the Southern District of California.

Mary Stenson Scriven, of Florida, to be United States District Judge for the Middle District of Florida.

Christine M. Arguello, of Colorado, to be United States District Judge for the District of Colorado.

Philip A. Brimmer, of Colorado, to be United States District Judge for the District of Colorado.

Gregory G. Garre, of Maryland, to be Solicitor General of the United States.

George W. Venables, of California, to be United States Marshal for the Southern District of California for the term of four years.

A. Brian Albritton, of Florida, to be United States Attorney for the Middle District of Florida for the term of four years.

Anthony John Trenga, of Virginia, to be United States District Judge for the Eastern District of Virginia.

C. Darnell Jones II, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

Mitchell S. Goldberg, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

Joel H. Slomsky, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

Eric F. Melgren, of Kansas, to be United States District Judge for the District of Kansas.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. MURRAY (for herself, Mr. KENNEDY, Mrs. CLINTON, Mr. SANDERS, and Mr. BROWN):

S. 3573. A bill to establish partnerships to create or enhance educational and skills development pathways to 21st century careers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWN (for himself and Mrs. CLINTON):

S. 3574. A bill to establish the Honorable Stephanie Tubbs Jones Fire Suppression Demonstration Incentive Program within the Department of Education to promote installation of fire sprinkler systems, or other fire suppression or prevention technologies, in qualified student housing and dormitories, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CARPER (for himself and Ms. MURKOWSKI):

S. 3575. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to nutrition labeling of food offered for sale in food service establishments; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 3576. A bill to prohibit the issuance of any lease or other authorization by the Federal Government that authorizes exploration, development, or production of oil or natural gas in any marine national monument or national marine sanctuary or in the fishing grounds known as Georges Bank in the waters of the United States; to the Committee on Energy and Natural Resources.

By Mr. LEVIN (for himself, Mr. BINGAMAN, and Mr. HARKIN):

S. 3577. A bill to amend the Commodity Exchange Act to prevent excessive price speculation with respect to energy and agricultural commodities, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ENSIGN:

S. 3578. A bill to establish a commission to assess the nuclear activities of the Islamic Republic of Iran; to the Committee on Foreign Relations.

By Mr. MARTINEZ (for himself and Mr. KOHL):

S. 3579. A bill to encourage, enhance, and integrate Silver Alert plans throughout the United States, to authorize grants for the assistance of organizations to find missing adults, and for other purposes; to the Committee on the Judiciary.

By Mr. CORNYN (for himself and Mrs. HUTCHISON):

S. 3580. A bill to assure the safety of expeditionary facilities, infrastructure, and equipment supporting United States military operations overseas; to the Committee on Armed Services.

By Mr. BOND:

S. 3581. A bill to establish a Federal Mortgage Origination Commission, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Mr. DODD, and Mr. LIEBERMAN):

S. 3582. A bill to require continued application of budget neutrality on a national basis in calculation of the Medicare urban hospital wage floor; to the Committee on Finance.

By Mr. WHITEHOUSE:

S. 3583. A bill to limit or deny civil service protection for a Federal employee if the appointment of that employee is a prohibited personnel practice that was made on the basis of political affiliation as prohibited under any law, rule, or regulation; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BINGAMAN:

S. 3584. A bill to comprehensively prevent, treat, and decrease overweight and obesity in our Nation's populations; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LIEBERMAN (for himself and Ms. COLLINS):

S. 3585. A bill to amend title 10, United States Code, to establish the responsibility of the Department of Defense to plan for and respond to catastrophic incidents in the United States, and for other purposes; to the Committee on Armed Services.

By Mrs. CLINTON:

S. 3586. A bill to provide loans to hospitals and nonprofit health care institutions to implement green building technologies, waste management techniques, and other environmentally sustainable practices to improve employee performance, reduce healthcare costs, and improve patient outcomes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. CLINTON:

S. 3587. A bill to direct the Administrator of the Environmental Protection Agency to provide grants to hospitals and nonprofit health care institutions for use in improving building and maintenance operations to engage in environmentally sustainable practices; to the Committee on Environment and Public Works.

By Mrs. CLINTON:

S. 3588. A bill to direct the Secretary of Agriculture to provide grants to hospitals and other nonprofit inpatient healthcare institutions, Department of Veterans Affairs medical centers, and other social service programs for the acquisition of local nutritious agricultural products; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. MCCASKILL (for herself and Mr. BOND):

S. 3589. A bill to designate the Liberty Memorial at the National World War I Museum in Kansas City, Missouri, as the National World War I Memorial; to the Committee on Energy and Natural Resources.

By Mr. REID:

S. 3590. A bill to provide grants for use by rural local educational agencies in purchasing new school buses; to the Committee on Commerce, Science, and Transportation.

By Mrs. DOLE (for herself and Mr. BURR):

S. 3591. A bill to amend the Clean Air Act to improve motor fuel supply and distribution; to the Committee on Environment and Public Works.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 3592. A bill to designate 4 counties in the State of New York as high-intensity drug trafficking areas, and to authorize funding for drug control activities in those areas; to the Committee on the Judiciary.

By Mr. MENENDEZ (for himself and Mr. SCHUMER):

S. 3593. A bill 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; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MENENDEZ (for himself and Mr. KENNEDY):

S. 3594. A bill to protect United States citizens from unlawful arrest and detention; to the Committee on the Judiciary.

By Mr. REID (for himself and Mr. ENSIGN):

S. 3595. A bill to direct the Secretary of the Interior to convey to the Nevada System of Higher Education certain Federal land located in Clark and Nye counties, Nevada, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KERRY:

S. 3596. A bill to stabilize the small business lending market, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. HARKIN:

S. 3597. A bill to provide that funds allocated for community food projects for fiscal year 2008 shall remain available until September 30, 2009; considered and passed.

By Mr. INOUYE (for himself, Mr. STEVENS, Mr. LAUTENBERG, Mr. SMITH, Ms. CANTWELL, Ms. SNOWE, Mr. NELSON of Florida, Mr. PRYOR, Mr. KERRY, Mr. BIDEN, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, and Mr. MARTINEZ):

S. 3598. A bill to amend titles 46 and 18, United States Code, with respect to the operation of submersible vessels and semi-submersible vessels without nationality; considered and passed.

By Mr. KYL:

S. 3599. A bill to amend title 18, United States Code, to add crimes committed in Indian country or exclusive Federal jurisdiction as racketeering predicates; to the Committee on the Judiciary.

By Mr. KYL:

S. 3600. A bill to amend title 35, United States Code, to provide for patent reform; to the Committee on the Judiciary.

By Mr. KYL (for himself and Mr. LEAHY):

S. 3601. A bill to authorize funding for the National Crime Victim Law Institute to provide support for victims of crime under Crime Victims Legal Assistance Programs as a part of the Victims of Crime Act of 1984; to the Committee on the Judiciary.

By Mr. KYL:

S. 3602. A bill to authorize funding for the National Crime Victim Law Institute to provide support for victims of crime under Crime Victims Legal Assistance Programs as a part of the Victims of Crime Act of 1984; to the Committee on the Judiciary.

By Mr. REID (for himself and Mr. ENSIGN):

S. 3603. A bill to promote conservation and provide for sensible development in Carson City, Nevada, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWN:

S. Res. 685. A resolution designating the last week of September 2008 as ''National Voter Awareness Week''; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 211

At the request of Mrs. CLINTON, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services, volunteer services, and for other purposes.

S. 400

At the request of Mr. SUNUNU, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 400, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to ensure that dependent students who take a medically necessary leave of absence do not lose health insurance coverage, and for other purposes.

S. 826

At the request of Mr. MENENDEZ, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 826, a bill to posthumously award a Congressional gold medal to Alice Paul, in recognition of her role in the women's suffrage movement and in advancing equal rights for women.

S. 1492

At the request of Mr. INOUYE, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1492, a bill to improve the quality of federal and state data regarding the availability and quality of broadband services and to promote the deployment of affordable broadband services to all parts of the Nation.

S. 1738

At the request of Mr. VITTER, his name was added as a cosponsor of S. 1738, a bill to require the Department of Justice to develop and implement a National Strategy Child Exploitation Prevention and Interdiction, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute child predators.

At the request of Mr. REID, his name and the name of the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1738, supra.

S. 2405

At the request of Mr. BAYH, his name was added as a cosponsor of S. 2405, a bill to provide additional appropriations for payments under section 2604(e) of the Low-Income Home Energy Assistance Act of 1981.

S. 2641

At the request of Mr. GRASSLEY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2641, a bill to amend title XVIII and XIX of the Social Security Act to improve the transparency of information on skilled nursing facilities and nursing facilities and to clarify and improve the targeting of the enforcement of requirements with respect to such facilities.

S. 2668

At the request of Mr. KERRY, the names of the Senator from Indiana (Mr. LUGAR), the Senator from Iowa (Mr. HARKIN), the Senator from Utah (Mr. BENNETT) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 2668, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 2883

At the request of Mr. ROCKEFELLER, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from New Hampshire (Mr. GREGG) were added as cosponsors of S. 2883, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Mother's Day.

S. 3070

At the request of Mr. WHITEHOUSE, his name was withdrawn as a cosponsor of S. 3070, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the Boy Scouts of America, and for other proposes.

S. 3308

At the request of Mrs. FEINSTEIN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 3308, a bill 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.

S. 3325

At the request of Mr. LEAHY, the names of the Senator from New Hampshire (Mr. GREGG), the Senator from New York (Mrs. CLINTON) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 3325, a bill to enhance remedies for violations of intellectual property laws, and for other purposes.

S. 3331

At the request of Mr. CRAPO, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 3331, a bill to amend the Internal Revenue Code of 1986 to require that the payment of the manufacturers' excise tax on recreational equipment be paid quarterly.

S. 3367

At the request of Mr. SMITH, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 3367, a bill to amend title XVIII of the Social Security Act to revise the timeframe for recognition of certain designations in certifying rural health clinics under the Medicare program.

S. 3389

At the request of Mr. SCHUMER, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 3389, a bill to require, for the benefit of shareholders, the disclosure of payments to foreign governments for the extraction of natural resources, to allow such shareholders more appropriately to determine associated risks.

S. 3419

At the request of Mrs. CLINTON, the name of the Senator from Arkansas

(Mrs. LINCOLN) was added as a cosponsor of S. 3419, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to modernize the disability benefits claims processing system of the Department of Veterans Affairs to ensure the accurate and timely delivery of compensation to veterans and their families and survivors, and for other purposes.

S. 3484

At the request of Mr. SPECTER, the names of the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from North Dakota (Mr. CONRAD), the Senator from Hawaii (Mr. INOUYE) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 3484, a bill to provide for a delay in the phase out of the hospice budget neutrality adjustment factor under title XVIII of the Social Security Act.

S. 3517

At the request of Ms. SNOWE, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 3517, a bill to amend the Employee Retirement Income Security Act of 1974 and the Public Health Service Act to provide parity under group health plans and group health insurance coverage for the provision of benefits for prosthetic devices and components and benefits for other medical and surgical services.

S. 3525

At the request of Mr. CARDIN, the names of the Senator from Idaho (Mr. CRAIG), the Senator from Illinois (Mr. OBAMA) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 3525, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the ''Star-Spangled Banner'', and for other purposes.

S. 3527

At the request of Mr. AKAKA, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 3527, a bill to amend title 38, United States Code, to authorize advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing two-fiscal year budget authority.

S. 3532

At the request of Mr. CARDIN, the names of the Senator from Kansas (Mr. ROBERTS), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 3532, a bill to amend the Internal Revenue Code of 1986 to allow the Secretary of the Treasury to establish the standard mileage rate for use of a passenger automobile for purposes of the charitable contributions deduction and to exclude charitable mileage reimbursements from gross income.

S. 3538

At the request of Mr. GRASSLEY, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 3538, a bill to amend the Food, Conservation, and Energy Act of 2008 to suspend a prohibition on payments to certain farms with limited base acres for the 2008 and 2009 crop years, to extend the signup for direct payments and counter-cyclical payments for the 2008 crop year, and for other purposes.

S. 3539

At the request of Ms. COLLINS, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 3539, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

S. 3569

At the request of Mr. SCHUMER, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 3569, a bill to make improvements in the operation and administration of the Federal courts, and for other purposes.

S. RES. 499

At the request of Mr. SPECTER, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. Res. 499, a resolution urging Palestinian Authority President Mahmoud Abbas, who is also the head of the Fatah Party, to officially abrogate the 10 articles in the Fatah Constitution that call for Israel's destruction and terrorism against Israel, oppose any political solution, and label Zionism as racism.

S. RES. 664

At the request of Mrs. DOLE, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Res. 664, a resolution celebrating the centennial of Union Station in Washington, District of Columbia.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEVIN (for himself, Mr. BINGAMAN, and Mr. HARKIN):

S. 3577. A bill to amend the Commodity Exchange Act to prevent excessive price speculation with respect to energy and agricultural commodities, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. LEVIN. Mr. President, energy prices are on a roller coaster, taking American consumers and the American economy on an unpredictable, expensive, and damaging ride. Just over a year ago, a barrel of crude oil sold for $70 a barrel. In less than a year, the price doubled to nearly $147. Last week, that same barrel of oil cost $91, a price drop of $56 over a few months. Just in the past week crude oil prices have jumped from about $96 per barrel to $130 per barrel and then back to $106 per barrel. No one knows whether, by the end of the year, the price of oil will stay around $100, drop lower, or climb back up. The huge price spikes we experienced can't be explained by changes in supply and demand; about half the trading in oil futures results from speculation as to whether oil prices will rise or fall by traders without any interest in actually using the oil they are buying and selling.

The natural gas, gasoline, and heating oil markets have also seen huge price swings. The prices are up, they are down, they are unpredictable—making it impossible for many businesses and consumers to afford even basic goods and services.

The sky-high oil and gasoline prices in effect for the last year are taking a tremendous toll on millions of American consumers and businesses. Speculation—not supply and demand—is keeping prices high, and our economy is forced to respond to erratic price changes. Unless we act to protect our energy markets from excessive speculation and price manipulation, the American economy will continue to be vulnerable to wild price swings affecting the prices of transportation, food, manufacturing and everything in between, endangering the economic security of our people, our businesses, and our Nation.

Congress should act now to help tame rampant speculation and reinvigorate supply and demand as market forces.

Today, I am introducing legislation, along with Senators BINGAMAN and HARKIN, that represents our collective effort to enact the strongest and most workable measures to prevent excessive speculation and price manipulation in U.S. energy markets. It will close the loopholes in our commodities laws that now impede the policing of U.S. energy trades on foreign exchanges and in the unregulated over-the-counter market. It will ensure that large commodity traders cannot use these markets to hide from CFTC oversight or avoid limits on speculation. The bill will strengthen disclosure, oversight, and enforcement in U.S. energy markets, restoring the financial oversight that is crucial to protect American consumers, American businesses, and the U.S. economy from further energy shocks.

More specifically, this legislation would make four sets of changes.

It will require the CFTC to set limits on the holdings of traders in all of the energy futures contracts traded on regulated exchanges to prevent traders from engaging in excessive speculation or price manipulation. Since we closed the Enron loophole this year all futures contracts must be traded in regulated markets.

It would close the ''London loophole'' by giving the CFTC the same authority to police traders in the United States who trade U.S. futures contracts on a foreign exchange and by requiring foreign exchanges that want to install trading terminals in the U.S. to impose comparable limits on speculative trading as the CFTC imposes on domestic exchanges to prevent excessive speculation and price manipulation.

It will close the ''swaps loophole'' by requiring traders in the over-the-counter energy markets to report large trades to the CFTC, and it would authorize the CFTC to set limits on trading in the presently unregulated over-the-counter markets to prevent excessive speculation and price manipulation.

It will require the CFTC to revise the standards that allow traders who use futures markets to hedge their holdings to exceed the speculation limits that apply to everyone else.

My Permanent Subcommittee on Investigations' investigations have shown that one key factor in price spikes of energy is increased speculation in the energy markets. Traders are trading contracts for future delivery of oil in record amounts, creating a demand for paper contracts that gets translated into increases in prices and increasing price volatility.

Much of this increase in trading of futures has been due to speculation. Speculators in the oil market do not intend to use oil; instead they buy and sell contracts for crude oil in the hope of making a profit from changing prices. According to the CFTC's data, the number of futures and options contracts held by speculators has gone from around 100,000 contracts in 2001, which was 20 percent of the total number of outstanding contracts, to almost 1.2 million contracts, which represents almost 40 percent of the outstanding futures and options contracts in oil on NYMEX Even this understates the increase in speculation, since the CFTC data classifies futures trading involving index funds as commercial trading rather than speculation, and the CFTC classifies all traders in commercial firms as commercial traders, regardless of whether any particular trader in that firm may in fact be speculating.

There is now, as a result, 12 times as many speculative holdings as there was in 2001, while holdings of nonspeculative or commercial futures and options is up but three times. The greater the demand there is to buy futures contracts for the delivery of a commodity, the higher the price will be for those futures contracts.

Not surprisingly, therefore, this massive speculation that the price of oil will increase, together with the increase in the amount of purchases of futures contracts, in fact, helped increase the price of oil to a level far above the price that is justified by the traditional forces of supply and demand.

In June 2006, I released a subcommittee report, ''The Role of Market Speculation in Rising Oil and Gas Prices: A Need to Put a Cop on the Beat.'' This report found that the traditional forces of supply and demand didn't account for sustained price increases and price volatility in the oil and gasoline markets. The report concluded that, in 2006, a growing number of trades of contracts for future delivery of oil occurred without regulatory oversight and that market speculation had contributed to rising oil and gasoline prices, perhaps accounting for $20 out of a then-priced $70 barrel of oil.

Oil industry executives and experts have arrived at a similar conclusion. Late last year, the President and CEO of Marathon Oil said, ''$100 oil isn't justified by the physical demand in the market. It has to be speculation on the futures market that is fueling this.'' Mr. Fadel Gheit, oil analyst for Oppenheimer and Company describes the oil market as ''a farce.'' ''The speculators have seized control and it's basically a free-for-all, a global gambling hall, and it won't shut down unless and until responsible governments step in.'' In January of this year, when oil first hit $100 per barrel, Mr. Tim Evans, oil analyst for Citigroup, wrote ''the larger supply and demand fundamentals do not support a further rise and are, in fact, more consistent with lower price levels.'' At the joint hearing on the effects of speculation we held last December, Dr. Edward Krapels, a financial market analyst, testified, ''Of course financial trading, speculation affects the price of oil because it affects the price of everything we trade. . . . It would be amazing if oil somehow escaped this effect.'' Dr. Krapels added that as a result of this speculation ''there is a bubble in oil prices.''

The need to control speculation is urgent. The presidents and CEOs of major U.S. airlines recently warned about the disastrous effects of rampant speculation on the airline industry. The CEOs stated ''normal market forces are being dangerously amplified by poorly regulated market speculation.'' The CEOs wrote, ''For airlines, ultra-expensive fuel means thousands of lost jobs and severe reductions in air service to both large and small communities.''

As to reining in speculation, the first step to take is to put a cop back on the beat in all our energy markets to prevent excessive speculation, price manipulation, and trading abuses.

With respect to the futures markets, the legislation we are introducing today requires the CFTC to establish limits on the amount of futures contracts any trader can hold. Currently, the CFTC allows the futures exchanges themselves to set these limits. This bill would require the CFTC to set these limits to prevent excessive speculation and price manipulation. It would preserve, however, the exchanges' obligation and ability to police their traders to ensure they remain below these limits.

This legislation would also require the CFTC to conduct a rulemaking to review and revise the criteria for allowing traders who are using the futures market to hedge their risks in a commodity to acquire holdings in excess of the limits on holdings for speculators.

Another step is to give the CFTC authority to prevent excessive speculation in the over-the-counter markets. In 2007, my Subcommittee issued a report on the effects of speculation in the energy markets, entitled ''Excessive Speculation in the Natural Gas Market.'' This investigation showed that speculation by a hedge fund named Amaranth distorted natural gas prices during the summer of 2006 and drove up prices for average consumers. The report demonstrated how Amaranth had shifted its speculative activity to unregulated markets, under the ''Enron loophole,'' to avoid the restrictions and oversight in the regulated markets, and how Amaranth's trading in the unregulated markets contributed to price increases.

Following this investigation, I introduced a bill, S. 2058, to close the Enron loophole and regulate the unregulated electronic energy markets. Working with Senators FEINSTEIN and SNOWE, and with the members of the Agriculture Committee in a bipartisan effort, we included an amendment to close the Enron loophole in the farm bill, which Congress passed this past spring, overriding a veto by President Bush.

The legislation to close the Enron loophole placed over-the-counter—OTC—electronic exchanges under CFTC regulation. However, this legislation did not address the separate issue of trading in the rest of the OTC market, which includes bilateral trades through voice brokers, swap dealers, and direct party-to-party negotiations. In order to ensure there is a cop on the beat in all of the energy commodity markets, we need to address the rest of the OTC market as well.

Previously, I introduced legislation, S. 3255, along with Senator FEINSTEIN, the Over-the-Counter Speculation Act, to address the rest of the OTC market not covered by the farm bill. A large portion of this OTC market consists of the trading of swaps relating to the price of a commodity. Generally, commodity swaps are contracts between two parties where one party pays a fixed price to another party in return for some type of payment at a future time depending on the price of a commodity. Because some of these swap instruments look very much like futures contracts—except that they do not call for the actual delivery of the commodity—there is concern that the price of these swaps that are traded in the unregulated OTC market could affect the price of the very similar futures contracts that are traded on the regulated futures markets. We don't yet know for sure that this is the case, or that it is not, because we don't have any access to comprehensive data or reporting on the trading of these swaps in the OTC market.

The legislation introduced today includes these same provisions to give the CFTC oversight authority to stop excessive speculation in the over-the-counter market. These provisions represent a practical, workable approach that will enable the CFTC to obtain key information about the OTC market to enable it to prevent excessive speculation and price manipulation. These

provisions are also included in the legislation introduced by the majority leader and others, S. 3268, to stop excessive speculation.

Under these provisions, the CFTC will have the authority to ensure that traders cannot avoid the CFTC reporting requirements by trading swaps in the unregulated OTC market instead of regulated exchanges. It will enable the CFTC to act, such as by requiring reductions in holdings of futures contracts or swaps, against traders with large positions in order to prevent excessive speculation or price manipulation regardless of whether the trader's position is on an exchange or in the OTC market.

The bill we are introducing today, unlike S. 3255, gives the CFTC the authority to establish position limits in the over-the-counter market for energy and agricultural commodities in order to prevent excessive speculation and price manipulation. The CFTC needs this authority to ensure that large traders are not using the over-the-counter markets to evade the position limits in the futures markets.

Earlier this year I introduced legislation with Senators FEINSTEIN, DURBIN, DORGAN and BINGAMAN, S.3129, to close the London loophole. This loophole has allowed crude oil traders in the U.S. to avoid the position limits that apply to trading on U.S. futures exchanges by directing their trades onto the ICE Futures Exchange in London. The legislation we introduced also was incorporated into the legislation to stop prevent excessive speculation introduced by the majority leader, S. 3268. These provisions are now included in the legislation we are introducing today.

After this legislation was first introduced, the CFTC imposed more stringent requirements upon the ICE Futures Exchange's operations in the United States—for the first time requiring the London exchange to impose and enforce comparable position limits in order to be allowed to keep its trading terminals in the United States. This is the very action our legislation called for. However, the current CFTC position limits apply only to the nearest futures contract. Our legislation will ensure that foreign exchanges with trading terminals in the U.S. will apply position limits to other futures contracts once the CFTC establishes those limits for U.S. exchanges.

Although the CFTC has taken these important steps that will go a long way towards closing the London loophole, Congress should still pass this legislation to make sure the London loophole stays closed. The legislation would put the conditions the CFTC has imposed upon the London exchange into statute, and ensure that the CFTC has clear authority to take action against any U.S. trader who is manipulating the price of a commodity or excessively speculating through the London exchange, including requiring that trader to reduce positions.

The legislation we are introducing today also includes a number of provisions in the majority leader's bill, S. 3248, that require a variety of studies, investigations, and reports designed to improve the transparency and regulation of the energy markets. It also provides authorization for the CFTC to hire an additional 100 employees to oversee the commodity markets it regulates.

On September 11, the CFTC issued a ''Staff Report on Commodity Swap Dealers and Index Traders with Commission Recommendations.'' The legislation we have introduced embodies several of the CFTC's recommendations to improve the transparency and regulation of swap dealers and commodity index traders. These recommendations include: develop and regularly publish reports on the activity of swap dealers and commodity index traders; more accurately assess the type of trading activity in the CFTC's weekly reports on commercial and noncommercial trading; review whether to eliminate the bona fide hedge exemption for swap dealers and create new limited risk management exemption; provide additional staff and resources for the CFTC.

Our legislation also is consistent with CFTC Commissioner Chilton's dissenting views on the CFTC's recommendations. In his dissent, Commissioner Chilton requested that Congress provide: ''specific statutory authorities to allow the Commission to obtain data regarding over-the-counter transactions that may impact exchange-traded markets; ''specific statutory authorities to allow the Commission to address market disturbances or violations of the Commodity Exchange Act, based on the data received regarding over-the-counter transactions;'' and authorization and appropriation for 100 additional employees.

Our bill provides the CFTC with the statutory authorities requested by Commissioner Chilton and authorizes the requested employees.

In summary, the legislation we are introducing today will give the CFTC ability to police all of our energy commodity markets to prevent excessive speculation and price manipulation. This legislation is necessary to close all of the loopholes in current law that permit speculators to avoid trading limits designed to prevent the type of excessive speculation that has been contributing to high energy prices. We hope our colleagues will support this legislation.

Mr. President, I ask unanimous consent that a bill summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE LEVIN-BINGAMAN-HARKIN PREVENT EXCESSIVE SPECULATION ACT BILL SUMMARY, SEPT. 24, 2008

The Levin-Bingaman-Harkin Prevent Excessive Speculation Act would:

Authorize Speculation Limits for all Energy and Agricultural Commodities.

Direct CFTC to impose position limits on energy and agricultural futures contracts to prevent excessive speculation and manipulation and to ensure sufficient market liquidity. Similar to provisions in House-passed bill, H.R. 6604.

Authorize CFTC to permit exchanges to impose and enforce accountability levels that are lower than CFTC-established speculation limits.

Close London Loophole by Regulating Offshore Traders and Increasing Transparency of Offshore Trades.

Prohibit a foreign exchange from operating in the United States unless it imposes comparable speculation limits and reporting requirements as apply to U.S. exchanges. Similar to §3 in S. 3268, with technical changes.

Provide CFTC with same enforcement authority over U.S. traders on foreign exchanges as it has over traders on U.S. exchanges, including authority to require traders to reduce their holdings to prevent excessive speculation or manipulation. Similar to §4 in S. 3268.

Require CFTC to invite non-U.S. regulators to form an international working group to develop uniform regulatory and reporting requirements to protect futures markets from excessive speculation and manipulation. Similar to §5 in S. 3268.

Close the Swaps Loophole and Regulate Over-the-Counter Transactions.

Authorize CFTC to impose speculation limits on OTC transactions to protect the integrity of prices in the futures markets and cash markets.

Require large OTC trades that affect futures prices to be reported to CFTC. Allow one party to a transaction to authorize the other party to file the report. Require CFTC periodic review of reporting requirements to ensure key trades are covered.

Direct CFTC to revise bona fide hedge exemption to ensure regulation of all speculators, and strengthen data analysis and transparency of swap dealer and index trading.

Clarify definition of OTC transactions to exclude spot market transactions.

Protect Both Energy and Agriculture Commodities.

Cover trades in crude oil, natural gas, gasoline, heating oil, coal, propane, electricity, other petroleum products and sources of energy from fossil fuels, as well as ethanol, biofuels, emission allowances for greenhouse gases, SO_2, NO_x, and other air emissions.

Cover trades in agricultural commodities listed in the Commodity Exchange Act.

Strengthen CFTC Oversight.

Authorize CFTC to hire 100 new personnel to oversee markets.

Direct CFTC to issue proposed rules within 90 days and final rules within 180 days.

Authorize Reports and Studies.

Require various investigations, studies, and reports. Same as §§8–15 in S. 3268.

By Mr. ENSIGN:

S. 3578. A bill to establish a commission to assess the nuclear activities of the Islamic Republic of Iran; to the Committee on Foreign Relations.

Mr. ENSIGN. Mr. President, I rise today to address an issue of critical importance to the security of our Nation and the world. I want to talk about the future of Iran's nuclear capabilities and what it means for the United States.

Too often here in Washington, we get caught up in the debate of the moment and fail to appreciate the larger picture. Too many are more concerned with petty blame games and not enough are concerned with the greater challenge of protecting Americans.

General Michael Hayden, the Director of Central Intelligence, has said that he believes Iran is seeking nuclear weapons. Others, including the President of the United States and the leaders of France and Great Britain agree.

I ask myself what would happen if the Ahmadinejad regime in Iran succeeded in acquiring a nuclear weapon. Among the possibilities, he could use that weapon. Iran could share it with terrorists or other rogue states. At a minimum, an Iranian nuke would prompt its neighbors in the Gulf, in Turkey, in Egypt and elsewhere to seek a similar ability in order to defend themselves against Iran's efforts to gain regional dominance.

The stakes could not be higher, and I am concerned that we are not meeting the challenge. To the contrary, I believe we are being tested, and we are failing.

Iran is the most active state sponsor of terrorism around the world. In addition to its long time support for groups like Hezbollah and Hamas, Iran is now active in directing aggression against our troops in Iraq, sponsoring not only Shiite extremists but even Sunni terror groups. According to General Petraeus, ''...Iran has played [a fundamental role] in funding, training, arming, and directing the so-called Special Groups and generated renewed concern about Iran in the minds of many Iraqi leaders. Unchecked, the Special Groups pose the greatest long-term threat to the viability of a democratic Iraq.''

In addition to its destabilizing sponsorship of violence across the Middle East, we also know that Iran is working on delivery vehicles for deadly weapons. The regime has continuously upgraded its missile capabilities, and now has delivery vehicles that can strike targets all over the Middle East and into Europe. Couple that knowledge with the evidence available that Iran has worked on fitting nuclear warheads onto these missiles, and we have even more practical reasons for concern.

Iranian President Mahmoud Ahmadinejad has stated emphatically that his Nation ''will not give up one iota of its nuclear rights.''

Where does this leave the United States, and the American people, in confronting this growing and multidimensional threat? Unfortunately, the answer appear, to be: confused.

The clearest evidence that we have yet to focus on the exact nature of the Iranian threat—an understanding that is imperative if we are going to succeed in countering it—is last year's National Intelligence Estimate on Iran.

Although leaders and intelligence agencies around the world believe that Iran is indeed pursuing nuclear weapons, the NIE drew confusing, misleading, and contradicting conclusions. In dramatic phrasing clearly designed to mislead, the NIE states that ''We judge with high confidence that in fall 2003, Tehran halted its nuclear weapons program.'' In a footnote that got short shrift from both the press and the jubilant Iranian regime, the analysts explain that what they say '''nuclear weapons program' we mean Iran's nuclear weapon design and weaponization work and covert uranium conversion-related and uranium enrichment-related work; we do not mean Iran's declared civil work related to uranium conversion and enrichment.'' In other words, the work referred to that had ''halted'' was in fact work that this Congress had heretofore not been able to confirm, and that we were uncertain existed. What continued, according to the NIE, was Iran's attempts to use its licit nuclear program to develop nuclear weapons capability. Which is exactly what we have been worrying about all along.

Since the NIE, the intelligence community has backed away from its original assessment. The Director of National Intelligence, Vice Admiral Mike McConnell said that Iran could ''probably'' produce the fissile material needed for a nuclear weapon by as early as 2010. He has also testified that he would ''change the way we described the nuclear program'' in the NIE.

Both Hayden and McConnell have also admitted that the NIE was so quickly declassified and poorly focused that it confused people. Unfortunately, the damage is done. The notion that Iran has suspended its nuclear program—however false that may be—has derailed our diplomatic push to a great extent and caused more confusion. Whatever the intentions behind this misleading assessment, we now know that Iran, with some of its international supporters, used the opportunity to derail the diplomatic process and move ahead with its uranium enrichment. Iran is now on the verge of producing enough highly enriched uranium for one to three nuclear weapons a year.

This is not good news. Diplomacy, and more serious sanctions, keep military action at bay. A lack of options is what forces nations to make military choices.

I raise these points not to criticize the administration, advocate for one action course of action over another, or argue about the results of the recent NIE. I raise these points because our Nation cannot afford confusion about the threat at hand. We have underestimated our adversaries in the past, and missed important developments even in friendly nations. Saddam Hussein developed nuclear weapons while receiving U.S. aid. India detonated a nuclear device before the U.S. had any advance warning. More recently, Syria procured a nuclear reactor as the United States negotiated in good faith with its suppliers in North Korea.

We need to get this right. A mistake, a botched timeline, a missed event, a faulty analysis—all or any of the above could result in the worst of all possible outcomes. It is for that reason, that I rise today to introduce the legislation to help us better assess the nuclear threat from Iran. This legislation will create an independent commission comprised of 12 private U.S. citizens with expertise in nuclear proliferation and experience on the question of Iran. They will be appointed by the Speaker of the House, the House Minority Leader, and the Senate Minority Leader. Together, they will lend their expertise on this critical issue.

There is a venerable history to such bipartisan commissions, including the 9/11 Commission, the Commission to Assess the Ballistic Missile Threat to the United States, and the Commission on the Intelligence Capabilities of the United States. A commission can provide a set of fresh eyes to look without bias at the information at hand and make assessments upon which the American people and American policymakers can rely.

Perhaps there are some among my colleagues or in the bureaucracy of the executive branch who believe that they need no help, and that such a commission is not necessary. To them, I suggest a brief review of history. Let us rely on the best our Nation has to offer, and bring bipartisan, fresh expertise to the question of the Iranian threat.

I urge my colleagues to support me in this effort.

By Mr. BOND:

S. 3581. A bill to establish a Federal Mortgage Origination Commission, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. BOND. Mr. President, today I am introducing a bill that goes to the heart of one of the major problems in our loan operations. We have had a system develop where no longer are loans just made available by the State-regulated banks and thrifts. Too many loan offers come over the Internet or by fax. I have not been able to develop a good enough screening program on my computer to keep them out. I know what kinds of solicitations are being made. They are being made by unregulated entities, people not subject to any regulation. As we say back home: We regulate the bricks but not the clicks. We regulate the banks and the savings and loans but not the people who offer you loans too good to be true by fax or Internet.

Congress has already taken some steps to address the mortgage origination problem by developing a mortgage licensing and registry system through the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 and protecting consumers by requiring greater mortgage loan disclosure requirements. In addition, I have worked with Senator DODD, last year and this year, to include more housing counseling funding to assist homeowners. I strongly believe the Mortgage Origination Commission, proposed by the Secretary of the Treasury, is an important element to complement these efforts.

As many of us know, the root cause of the current financial crisis is traced

to the breakdowns in the mortgage market, led by the high level of failures in subprime mortgages. These failures occurred due to many reasons, but one major reason was the loophole in the Government's oversight and regulatory system for mortgage origination. Specifically, many mortgage brokers with no or uneven regulatory oversight originated a substantial number of all housing mortgages and over half of all subprime mortgages.

To help close regulatory loopholes in mortgage origination, my bill contains the key components recommended by the Treasury.

First, this legislation creates a new Federal oversight entity called the Mortgage Origination Commission. The Commission would be led by a Presidentially appointed Director for a 5-year term who would chair a seven-member board comprised of the Federal Government's key financial regulators: the Federal Reserve, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, the Federal Deposit Insurance Corporation, the National Credit Union Administration, and the Conference of State Bank Supervisors.

Second, the Commission would be empowered to develop uniform minimum licensing qualification standards for State mortgage market participants. As laid out in the bill, these standards would include personal conduct and disciplinary history, minimum educational requirements, testing criteria and procedures, and appropriate license revocation standards. The Commission would also evaluate, rate, and report on the adequacy of each State's system for licensing and regulation.

The bill retains State-level regulation of the mortgage origination process, but the new Federal Mortgage Origination Commission would ensure that the States have adequate protections in place and improve transparency in the mortgage origination process by providing information on the strength of each State's standards. The Commission will also provide transparency in the securities market by providing evaluations and ratings on mortgages.

Finally, the bill clarifies the Federal Government's enforcement and examination responsibilities over mortgage origination companies. Specifically, the Federal Reserve and the Office of Thrift Supervision would have clear authority over mortgage originators that are affiliates of depository institutions with a federally regulated holding company. States would have clear authority to enforce Federal mortgage laws governing mortgage transactions involving mortgage originators.

In formulating this legislation, my goal was to develop a proposal to provide more effective regulation, transparency, and oversight in a streamlined manner. This bill enhances the current structure without creating a major new Federal entity. If enacted, the Commission could be up and running in a relatively short time.

As I said, the legislation mirrors the Secretary of Treasury's proposal, and it is intended to be part of the overall response. I look forward to working with my colleagues to achieve this. I know time is running short. I hope they will carefully consider this proposal and perhaps include it in the bill coming to us or in separate legislation.

By Mr. BINGAMAN:

S. 3584. A bill to comprehensively prevent, treat, and decrease overweight and obesity in our Nation's populations; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Obesity Prevention, Treatment and Research Act of 2008. This legislation creates unprecedented collaborations and collective across agencies, and among private and public entities, individuals, and communities.

The very high prevalence of individuals who are obese or overweight has resulted in an epidemic in the United States, affecting over 66 percent of adults and 32 percent of children according to the CDC's National Center for Health Statistics. Over the last 30 years, the obesity rate has more than doubled in all ages. The United States now has the highest prevalence of obesity among the developed nations. In fact, the prevalence of obesity in U.S. in 2006, 34 percent is more than twice the average for other developed nations, 13 percent. The prevalence of obesity in the next closest country, the United Kingdom, is over 25 percent less than that of the U.S.

The Obesity Prevention, Treatment and Research Act of 2008 comprehensively addresses the obesity and overweight epidemic by focusing on coordinating and augmenting existing prevention and treatment activities. The legislation is based on the extensive work on obesity of the Institutes of Medicine, IOM, over the last few years.

The legislation focuses on developing dynamic new collaborations and collective actions, which IOM recommends as essential to successfully addressing the problems of obese and overweight individuals throughout the nation. In addition, the legislation focuses on supporting interventions that will improve access to obesity prevention and treatment services in our federal healthcare programs in recognition that the high prevalence of overweight and obese individuals dramatically increases the costs in Medicare, Medicaid, SCHIP, and other public and private health insurance programs.

I note that interventions aimed at significantly decreasing the prevalence of these illnesses are extremely cost effective and are critical to overall disease prevention and health promotion efforts. The Trust for America's Health recently reported that an investment of just $10 per person per year in proven community based disease prevention programs would yield a $2.8 billion annual health expenditure reduction. Put another way, our nation would recoup nearly $1 over and above the cost of a comprehensive disease prevention and health promotion program for every $1 invested in the first 1 to 2 years of the program.

The Obesity Prevention, Treatment and Research Act of 2008 establishes the United States Council on Overweight & Obesity Prevention, USCO–OP, which is charged with creating a comprehensive strategy to prevent, treat and reduce the prevalence of overweight individuals and obesity. This advisory council will update Federal guidelines, identify best practices, conduct ongoing surveillance and monitoring of existing Federal programs, and make recommendations to coordinate budgets, policies and programs across Federal agencies in collaboration with private and public partners. In addition, the Council will provide guidance to the Federal Government for a new series of grant programs established by the legislation to combat obesity and the high prevalence of overweight individuals.

It is important to note that in July the Journal of the American Medical Association reported that physical activity levels drop sharply as children age. Children should be engaging in 60 minutes of moderate to vigorous physical activity most days of the week. While 90 percent of children met the recommended activity at age 9, by age 15 only 31 percent met the level on weekdays, and only 17 percent on weekends. Moreover, these behaviors become worse as they get older. I find these trends very disturbing.

In addition, experts tell us that Americans want and need better and more accessible information about healthier foods, beverages and exercise programs. The Council will help develop and update the daily physical activity requirements in our schools, and identify activities that families can do together, involving parents and their children throughout the week, and as lifelong participants.

My legislation also creates grant programs to provide funding to schools, community health centers, academic institutions, state medical societies, state health departments, and communities to reduce the prevalence and improve the prevention and treatment of individuals that are obese or overweight.

It is also critical to point out that certain populations are more vulnerable than others to the obesity and overweight epidemic. In my home state of New Mexico, for example, the consequences are devastating. 74 percent of Native American adults in New Mexico are overweight or obese, as are 38 percent of Native American High School students. I take steps in this legislation to address populations more severely impacted by the obesity and overweight epidemic, including: prioritizing grants to these populations

and requiring Federal reporting on research and data related to obesity in these populations.

The legislation also doubles existing funding levels for the Department of Agriculture's Fresh Foods and Vegetables program to levels that will assure that most low-income children will have access to these foods within their schools.

The legislation also requires the Secretary of Health and Human Services and the Secretary of Agriculture to consult with USCO–OP to update and reform Federal oversight of food and beverage labeling. Such reforms include improving the transparency of labeling with regard to nutritional and caloric value of food and beverages. These updates and reforms are critical. Research suggests that high-energy dense foods that are low in nutrients represent 30 percent of the average American total calorie intake. Research also suggests that these foods don't trigger the brain's normal pathways and responses to let the body know that it is full.

My legislation also amends the Social Security Act to expand access to medical nutrition therapy and exercise counseling when determined cost effective by the Secretary of Health and Human Services. We have to figure out a way to prevent the development of end stages of morbid obesity, such as kidney failure, heart failure and disability from arthritis and other problems. My bill seeks to invest our Federal dollar more wisely. This is truly the case where an ounce of prevention is worth a pound of cure.

I would like to thank Dr. Dan Derksen, who served as a Robert Wood Johnson Health Policy Fellow in my office this year, for his great work in developing this legislation. In addition, I would like to thank the Institutes of Medicine, the Campaign to End Obesity, and First Focus for their assistance in developing this legislation.

The legislation has received the endorsement of: the Campaign to End Obesity, American College of Gastroenterology, First Focus, Shaping America's Health, YMCA of the USA, the National Coalition for Promoting Physical Activity, the Sporting Goods Manufacturers of America, and the New Mexico Medical Society.

I urge my other Senate colleagues to join in supporting this critical legislation.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3584

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 ''Obesity Prevention, Treatment, and Research Act of 2008''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) In 2001, the United States Surgeon General released the Call to Action to Prevent and Decrease Overweight and Obesity to bring attention to the public health problems related to obesity.

(2) Since the Surgeon General's call to action, the problems of obesity and overweight have become epidemic, occurring in all ages, ethnicities and races, and individuals in every State.

(3) The United States now has the highest prevalence of obesity among the developed nations, according to 2006 data by the Organisation for Economic Co-operation and Development. The prevalence of obesity in the United States (34 percent) is more than twice the average for other developed nations (13 percent). The closest nation in prevalence of obesity is the United Kingdom (24 percent) which is over 25 percent less than the United States.

(4) The National Health and Nutrition Examination Survey in 2006 estimated that 32 percent of children and adolescents aged 2 to 19 and an alarming 66 percent of adults are overweight or obese.

(5) More than 30 percent of young people in grades 9 through 12 do not regularly engage in vigorous intensity physical activity, while almost 40 percent of adults are sedentary and 70 percent report getting less than 20 minutes of regular physical activity per day.

(6) The Institute of Medicine, in their 2005 publication ''Preventing Childhood Obesity: Health in the Balance'', reported that over the last 3 decades, the rate of childhood obesity has tripled for children aged 6 to 11 years, and doubled for children aged 2 to 5 years old and in adolescents aged 12 to 19 years old. In 2004, approximately 9,000,000 children over 6 years of age were obese. Only 2 percent of children eat a healthy diet consistent with Federal nutrition guidelines.

(7) For children born in 2000, it is estimated the lifetime risk of being diagnosed with type 2 diabetes is 40 percent for females and 30 percent for males.

(8) Overweight and obesity disproportionately affect minority populations and women. According to the 2006 Behavioral Risk Factor Surveillance System of the Centers for the Disease Control and Prevention, 61 percent of adults in the United States are overweight or obese.

(9) The Centers for the Disease Control and Prevention estimates the annual expenditures related to overweight and obesity in the United States to be $117,000,000,000 in 2001 and rising rapidly.

(10) The Centers for the Disease Control and Prevention estimates that the increase in the number of overweight and obese Americans between 1987 and 2001 resulted in a 27 percent increase in per capita health costs, and that as many as 112,000 deaths per year are associated with obesity.

(11) Being overweight or obese increases the risk of chronic diseases including diabetes, heart disease, stroke, certain cancers, arthritis, and other health problems.

(12) According to the National Institute of Diabetes and Digestive and Kidney Diseases, individuals who are obese have a 50 to 100 percent increased risk of premature death.

(13) Healthy People 2010 goals identify overweight and obesity as 1 of the Nation's leading health problems and include objectives for increasing the proportion of adults who are at a healthy weight, reducing the proportion of adults who are obese, and reducing the proportion of children and adolescents who are overweight or obese.

(14) Another Healthy People 2010 goal is to eliminate health disparities among different segments of the population. Obesity is a health problem that disproportionally impacts medically underserved populations.

(15) Food and beverage advertisers are estimated to spend $10,000,000 to $12,000,000,000 per year to target children and youth.

(16) The United States spends less than 2 percent of its annual health expenditures on prevention.

(17) Employer health promotion investments net a return of $3 for every $1 invested.

(18) High-energy dense and low-nutrient dense foods represent 30 percent of American's total calorie intake. Fast food company menus are twice the energy density of recommended healthful diets.

(19) Research suggests that individuals eat too much high-energy dense foods without feeling full because the brain's pathways that regulate hunger and influence normal food intake are not triggered by these foods.

(20) Packaging, product placement, and high-energy dense food content manipulation contribute to the overweight and obesity epidemic in the United States.

(21) Such marketing and content manipulation techniques have been used by other industries to encourage consumption at the expense of health. To help individuals make healthy choices, education and information must be available with clear, consistent, and accurate labeling.

TITLE I—OBESITY TREATMENT, PREVENTION, AND REDUCTION

SEC. 101. UNITED STATES COUNCIL ON OVERWEIGHT-OBESITY PREVENTION.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

"SEC. 399R. UNITED STATES COUNCIL ON OVERWEIGHT-OBESITY PREVENTION.

''(a) ESTABLISHMENT.—The Secretary shall convene a United States Council on Overweight-Obesity Prevention (referred to in this section as 'USCO-OP').

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—USCO-OP shall be composed of 20 members, which shall consist of—

''(A) the Secretary;

''(B) the Secretary (or his or her designee) of—

''(i) the Department of Agriculture;

''(ii) the Department of Education;

''(iii) the Department of Housing and Urban Development;

''(iv) the Department of the Interior

''(v) the Federal Trade Commission;

''(vi) the Department of Transportation; and

''(vii) any other Federal agency that the Secretary of Health and Human Services determines appropriate;

''(C) the Chairman (or his or her designee) of the Federal Communications Commission;

''(D) the Director (or his or her designee) of the Centers for Disease Control and Prevention, the National Institutes of Health, and the Agency for Healthcare Research and Quality;

''(E) the Administrator of the Centers for Medicare and Medicaid Services (or his or her designee);

''(F) the Commissioner of Food and Drugs (or his or her designee); and

''(G) a minimum of 5 representatives, appointed by the Secretary, of expert organizations such as public health associations, key healthcare provider groups, planning and development organizations, education associations, advocacy groups, relevant industries, State and local leadership, and other entities as determined appropriate by the Secretary.

''(2) APPOINTMENTS.—The Secretary shall accept nominations for representation on USCO-OP through public comment before the initial appointment of members of USCO-OP under paragraph (1)(G), and on a regular basis for open positions thereafter, but not less than every 2 years.

''(3) CHAIRPERSON.—The chairperson of USCO-OP shall be—

''(A) an individual appointed by the President; and

''(B) until the date that an individual is appointed under subparagraph (A), the Secretary.

''(c) MEETINGS.—

''(1) IN GENERAL.—USCO-OP shall meet—

''(A) not later than 180 days after the date of enactment of the Obesity Prevention, Treatment, and Research Act of 2008; and

''(B) at the call of the chairperson thereafter, but in no case less often than 2 times per year.

''(2) MEETINGS OF FEDERAL AGENCIES.—The representatives of the Federal agencies on USCO-OP shall meet on a regular basis, as determined by the Secretary, to develop strategies to coordinate budgets and discuss other issues that are not otherwise permitted to be discussed in a public forum. The purpose of such meetings shall be to allow more rapid interagency strategic planning and intervention implementation to address the overweight and obesity epidemic.

''(d) DUTIES OF USCO-OP.—USCO-OP shall—

''(1) develop strategies to comprehensively prevent, treat, and reduce overweight and obesity;

''(2) coordinate interagency cooperation and action related to the prevention, treatment, and reduction of overweight and obesity in the United States;

''(3) identify best practices in communities to address overweight and obesity;

''(4) work with appropriate entities to evaluate the effectiveness of obesity and overweight interventions;

''(5) update the National Institutes of Health 1998 'Clinical Guidelines on the Identification, Evaluation, and Treatment of Overweight and Obesity in Adults: The Evidence Report' and include sections on childhood obesity in such updated report;

''(6) conduct ongoing surveillance and monitoring using tools such as the National Health and Nutrition Examination Survey and the Behavioral Risk Factor Surveillance System and assure adequate and consistent funding to support data collection and analysis to inform policy;

''(7) make recommendations to coordinate budgets, grant and pilot programs, policies, and programs across Federal agencies to cohesively address overweight and obesity, including with respect to the grant programs carried out under sections 306(n), 399S, and 1904(a)(1)(H);

''(8) make recommendations to update and improve the daily physical activity requirements for students under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and include recommendations about physical activities that families can do together, and involving parents in these activities;

''(9) make recommendations about coverage for obesity-related services and for an early and periodic screening, diagnostic, and treatment services program under the State Children's Health Insurance Program established under title XXI of the Social Security Act; and

''(10) provide guidelines for childhood obesity health care related treatment under the early and periodic screening, diagnostic, and treatment services program under the Medicaid program established under title XIX of the Social Security Act and otherwise described in section 2103(c)(5) of such Act.

''(e) REPORT.—Not later than 18 months after the date of enactment of the Obesity Prevention, Treatment, and Research Act of 2008, and on an annual basis thereafter, USCO-OP shall submit to the President and to the relevant committees of Congress, a report that—

''(1) summarizes the activities and efforts of USCO-OP under this section to coordinate interagency prevention, treatment, and reduction of obesity and overweight, including a detailed strategic plan with recommendations for each Federal agency;

''(2) evaluates the effectiveness of these coordinated interventions and conducts interim assessments and reporting of health outcomes, achievement of milestones, and implementation of strategic plan goals starting with the second report, and yearly thereafter; and

''(3) makes recommendations for the following year's strategic plan based on data and findings from the previous year.

''(f) TECHNICAL ASSISTANCE.—The Department of Health and Human Services may provide technical assistance to USCO-OP to carry out the activities under this section.

''(g) PERMANENCE OF COMMITTEE.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to USCO-OP.''.

SEC. 102. GRANTS AND DEMONSTRATION PROGRAMS TO PROMOTE POSITIVE HEALTH BEHAVIORS IN POPULATIONS DISPROPORTIONATELY AFFECTED BY OBESITY AND OVERWEIGHT.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.), as amended by section 101, is amended by adding at the end the following:

''SEC. 399S. GRANTS AND DEMONSTRATION PROGRAMS TO PROMOTE POSITIVE HEALTH BEHAVIORS IN POPULATIONS DISPROPORTIONATELY AFFECTED BY OBESITY AND OVERWEIGHT.

''(a) ELIGIBLE ENTITY.—For purposes of this section, the term 'eligible entity' means—

''(1) a city, county, Indian tribe, tribal organization, territory, or State;

''(2) a local, tribal, or State educational agency;

''(3) a Federal medical facility, including a federally qualified health center (as defined in section 1861(aa)(4) of the Social Security Act), an Indian Health Service hospital or clinic, any health facility or program operated by or pursuant to a contractor grant from the Indian Health Service, an Indian Health Service entity, an urban Indian center, an Indian tribal clinic, a health care for the homeless center, a rural health center, migrant health center, and any other Federal medical facility;

''(4) any entity meeting the criteria for medical home under section 204 of the Tax Relief and Health Care Act of 2006 (Public Law 109–432);

''(5) a nonprofit organization (such as an academic health center or community health center);

''(6) a health department;

''(7) any licensed or certified health provider;

''(8) an accredited university or college;

''(9) a community-based organization;

''(10) a local city planning agency; and

''(11) any other entity determined appropriate by the Secretary.

''(b) APPLICATION.—An eligible entity that desires a grant under this section shall submit an application at such time, in such manner, and containing such information as the Secretary may require, including a plan for the use of funds that may be awarded and an evaluation of any training that will be provided under such grant.

''(c) GRANT DEMONSTRATION AND PILOT PROGRAM.—

''(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, and in consultation with the United States Council on Overweight-Obesity Prevention under section 399R, shall establish and evaluate a grant demonstration and pilot program for entities to—

''(A) prevent, treat, or otherwise reduce overweight and obesity;

''(B) increase the number of children and adults who safely walk or bike to school or work;

''(C) increase the availability and affordability of fresh fruits and vegetables in the community;

''(D) expand safe and accessible walking paths and recreational facilities to encourage physical activity, and other interventions to create healthy communities;

''(E) create advertising, social marketing, and public health campaigns promoting healthier food choices, increased physical activity, and healthier lifestyles targeted to individuals and to families;

''(F) promote increased rates and duration of breastfeeding; and

''(G) increase worksite and employer promotion of and involvement in community initiatives that prevent, treat, or otherwise reduce overweight and obesity.

''(2) SPECIAL PRIORITY.—Special priority will be given to grant proposals that target communities or populations disproportionately affected by overweight or obesity, including Native Americans, other minorities, and women.

''(d) GRANTS TO PROMOTE POSITIVE HEALTH BEHAVIORS IN POPULATIONS DISPROPORTIONATELY AFFECTED BY OBESITY AND OVERWEIGHT.—

''(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may award grants to eligible entities to promote health behaviors for women and children in target populations, especially racial and ethnic minority populations in medically underserved communities.

''(2) USE OF FUNDS.—An award under this section shall be used to carry out any of the following:

''(A) To educate, promote, prevent, treat and determine best practices in overweight and obese populations.

''(B) To address behavioral risk factors including sedentary lifestyle, poor nutrition, being overweight or obese, and use of tobacco, alcohol or other substances that increase the risk of morbidity and mortality. Special priority will be given to grant applications that—

''(i) propose interventions that address embedded levels of influence on behavior, including the individual, family, peers, community and society; and

''(ii) utilize techniques that promote community involvement in the design and implementation of interventions including community diagnosis and community-based participatory research.

''(C) To develop and implement interventions to promote a balance of energy consumption and expenditure, to attain healthier weight, prevent obesity, and reduce morbidity and mortality associated with overweight and obesity.

''(D)(i) To train primary care physicians and other licensed or certified health professionals on how to identify, treat, and prevent obesity or eating disorders and aid individuals who are overweight, obese, or who suffer from eating disorders.

''(ii) To use evidence-based findings or recommendations that pertain to the prevention and treatment of obesity, being overweight, and eating disorders to conduct educational conferences, including Internet-based courses and teleconferences, on—

''(I) how to treat or prevent obesity, being overweight, and eating disorders;

''(II) the link between obesity, being overweight, eating disorders and related serious and chronic medical conditions;

''(III) how to discuss varied strategies with patients from at-risk and diverse populations to promote positive behavior change and healthy lifestyles to avoid obesity, being overweight, and eating disorders;

''(IV) how to identify overweight, obese, individuals with eating disorders, and those who are at risk for obesity and being overweight or suffer from eating disorders and, therefore, at risk for related serious and chronic medical conditions; and

''(V) how to conduct a comprehensive assessment of individual and familial health risk factors and evaluate the effectiveness of the training provided by such entity in increasing knowledge and changing attitudes and behaviors of trainees.

''(iii) In awarding a grant to carry out an activity under this subparagraph, preference shall be given to an entity described in subsection (a)(4).

''(e) REPORTING TO CONGRESS.—Not later than 3 years after the date of enactment of this section, the Director of the Centers for Disease Control and Prevention shall submit to the Secretary and Congress a report concerning the result of the activities conducted through the grants awarded under this section.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $50,000,000 for fiscal year 2009, and such sums as may be necessary for each of fiscal years 2010 through 2012.''.

SEC. 103. NATIONAL CENTER FOR HEALTH STATISTICS.

Section 306 of the Public Health Service Act (42 U.S.C. 242k) is amended—

(1) in subsection (m)(4)(B), by striking ''subsection (n)'' each place it appears and inserting ''subsection (o)'';

(2) by redesignating subsection (n) as subsection (o); and

(3) by inserting after subsection (m) the following:

''(n)(1) The Secretary, acting through the Center, may provide for the—

''(A) collection of data for determining the fitness levels and energy expenditure of adults, children, and youth; and

''(B) analysis of data collected as part of the National Health and Nutrition Examination Survey and other data sources.

''(2) In carrying out paragraph (1), the Secretary, acting through the Center, may make grants to States, public entities, and nonprofit entities.

''(3) The Secretary, acting through the Center, may provide technical assistance, standards, and methodologies to grantees supported by this subsection in order to maximize the data quality and comparability with other studies.''.

SEC. 104. HEALTH DISPARITIES REPORT.

Not later than 18 months after the date of enactment of this Act, and annually thereafter, the Director of the Agency for Healthcare Research and Quality shall review all research that results from the activities carried out under this Act (and the amendments made by this Act) and determine if particular information may be important to the report on health disparities required by section 903(c)(3) of the Public Health Service Act (42 U.S.C. 299a–1(c)(3)).

SEC. 105. PREVENTIVE HEALTH SERVICES BLOCK GRANT.

Section 1904(a)(1) of the Public Health Service Act (42 U.S.C. 300w–3(a)(1)) is amended by adding at the end the following:

''(H) Activities and community education programs designed to address and prevent overweight, obesity, and eating disorders through effective programs to promote healthy eating, and exercise habits and behaviors.''.

SEC. 106. REPORT ON OBESITY AND EATING DISORDERS RESEARCH.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on research conducted on causes and health implications (including mental health implications) of being overweight, obesity, and eating disorders.

(b) CONTENT.—The report described in subsection (a) shall contain—

(1) descriptions on the status of relevant, current, ongoing research being conducted in the Department of Health and Human Services including research at the National Institutes of Health, the Centers for Disease Control and Prevention, the Agency for Healthcare Research and Quality, the Health Resources and Services Administration, and other offices and agencies;

(2) information about what these studies have shown regarding the causes, prevention, and treatment of, being overweight, obesity, and eating disorders; and

(3) recommendations on further research that is needed, including research among diverse populations, the plan of the Department of Health and Human Services for conducting such research, and how current knowledge can be disseminated.

TITLE II—FOOD AND BEVERAGE LABELING FOR HEALTHY CHOICES

SEC. 201. FOOD AND BEVERAGE LABELING FOR HEALTHY CHOICES.

(a) USCO-OP.—In this section, the term ''USCO-OP'' means the United States Council on Overweight-Obesity Prevention under section 399R of the Public Health Service Act (as added by section 101).

(b) REFORM OF FOOD AND BEVERAGE LABELING.—The Secretary of Health and Human Services and the Secretary of Agriculture, in consultation with the USCO-OP, shall, through regulation or other appropriate action, update and reform Federal oversight of food and beverage labeling. Such reform shall include improving the transparency of such labeling with regard to nutritional and caloric value of food and beverages.

TITLE III—HEALTHY CHOICES FOOD AND BEVERAGE PROGRAMS

SEC. 301. FRESH FRUIT AND VEGETABLE PROGRAM.

Section 19(i) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769a(i)) is amended—

(1) by redesignating paragraphs (3) through (7) as paragraphs (4) through (8); and

(2) by inserting after paragraph (2) the following:

''(3) ADDITIONAL MANDATORY FUNDING.—

''(A) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to carry out and expand the program under this section, to remain available until expended—

''(i) on October 1, 2008, $80,000,000;

''(ii) on July 1, 2009, $130,000,000;

''(iii) on July 1, 2010, $202,000,000;

''(iv) on July 1, 2011, $300,000,000; and

''(v) on July 1, 2012, and on each July 1 thereafter, the amount made available for the previous fiscal year, as adjusted under subparagraph (B).

''(B) ADJUSTMENT.—On July 1, 2012, and on each July 1 thereafter the amount made available under subparagraph (A)(v) shall be calculated by adjusting the amount made available for the previous fiscal year to reflect changes in the Consumer Price Index of the Bureau of Labor Statistics for fresh fruits and vegetables, with the adjustment—

''(i) rounded down to the nearest dollar increment; and

''(ii) based on the unrounded amounts for the preceding 12-month period.

''(C) ALLOCATION.—Funds made available under this paragraph shall be allocated among the States and the District of Columbia in the same manner as funds made available under paragraph (1).''.

TITLE IV—AMENDMENTS TO THE SOCIAL SECURITY ACT

SEC. 401. COVERAGE OF EVIDENCE-BASED PREVENTIVE SERVICES UNDER MEDICARE, MEDICAID, AND SCHIP.

(a) MEDICARE.—Section 1861(ddd) of the Social Security Act, as added by section 101 of the Medicare Improvements for Patients and Providers Act of 2008, is amended—

(1) in paragraph (2), by striking ''paragraph (1)'' and inserting ''paragraphs (1) and (3)''; and

(2) by adding at the end the following new paragraph:

''(3) The term 'additional preventive services' includes any evidence-based preventive services which the Secretary has determined are reasonable and necessary, including, as so determined, smoking cessation and prevention services, diet and exercise counseling, and healthy weight and obesity counseling.''.

(b) STATE OPTION TO PROVIDE MEDICAL ASSISTANCE FOR EVIDENCE-BASED PREVENTIVE SERVICES.—

(1) IN GENERAL.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(A) in subsection (a)—

(i) in paragraph (27), by striking ''and'' at the end;

(ii) by redesignating paragraph (28) as paragraph (29); and

(iii) by inserting after paragraph (27) the following:

''(28) evidence-based preventive services described in subsection (y); and''; and

(B) by adding at the end the following:

''(y)(1) For purposes of subsection (a)(28), evidence-based preventive services described in this subsection are any preventive services which the Secretary has determined are reasonable and necessary through the process for making national coverage determinations (as defined in section 1869(f)(1)(B)) under title XVIII, including, as so determined, smoking cessation and prevention services, diet and exercise counseling, and healthy weight and obesity counseling.''.

(2) CONFORMING AMENDMENT.—Section 1902(a)(10)(C)(iv) of such Act is amended by inserting ''and (28)'' after ''(24)''.

(c) STATE OPTION TO PROVIDE CHILD HEALTH ASSISTANCE FOR EVIDENCE-BASED PREVENTIVE SERVICES.—Section 2110(a) of the Social Security Act (42 U.S.C. 1397jj(a)) is amended—

(1) by redesignating paragraph (28) as paragraph (29); and

(2) by inserting after paragraph (27) the following:

''(28) Evidence-based preventive services described in section 1905(y).''.

SEC. 402. COVERAGE OF MEDICAL NUTRITION COUNSELING UNDER MEDICARE, MEDICAID, AND SCHIP.

(a) MEDICARE COVERAGE OF MEDICAL NUTRITION THERAPY SERVICES FOR PEOPLE WITH PRE-DIABETES.—Section 1861(s)(2)(V) of the Social Security Act (42 U.S.C. 1395x(s)(2)(V)) is amended by inserting after ''beneficiary with diabetes'' the following '', pre-diabetes or its risk factors (including hypertension, dyslipidemia, obesity, or overweight),''.

(b) STATE OPTION TO PROVIDE MEDICAL ASSISTANCE FOR MEDICAL THERAPY SERVICES.—

(1) IN GENERAL.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d), as amended by section 401(b), is amended—

(A) in paragraph (28), by striking ''and'' at the end;

(B) by redesignating paragraph (29) as paragraph (30); and

(C) by inserting after paragraph (28) the following:

''(29) medical nutrition therapy services (as defined in section 1861(vv)(1)) for individuals with pre-diabetes or obesity, or who are overweight (as defined by the Secretary); and''.

(2) CONFORMING AMENDMENT.—Section 1902(a)(10)(C)(iv) of such Act, as amended by section 401(b)(2), is amended by striking ''and (28)'' and inserting '', (28) and (29)''.

(c) STATE OPTION TO PROVIDE CHILD HEALTH ASSISTANCE FOR MEDICAL NUTRITION THERAPY SERVICES.—Section 2110(a) of the Social Security Act (42 U.S.C. 1397jj(a)), as amended by section 401(c), is amended—

(1) by redesignating paragraph (29) as paragraph (30); and

(2) by inserting after paragraph (28) the following:

''(29) Medical nutrition therapy services (as defined in section 1861(vv)(1)) for individuals with pre-diabetes or obesity, or who are overweight (as defined by the Secretary).''.

SEC. 403. AUTHORIZING EXPANSION OF MEDICARE COVERAGE OF MEDICAL NUTRITION THERAPY SERVICES.

(a) AUTHORIZING EXPANDED ELIGIBLE POPULATION.—Section 1861(s)(2)(V) of the Social Security Act (42 U.S.C. 1395x(s)(2)(V)), as amended by section 402, is amended—

(1) by redesignating clauses (i) through (iii) as subclauses (I) through (III), respectively, and indenting each such clause an additional 2 ems;

(2) by striking ''in the case of a beneficiary with diabetes, pre-diabetes or its risk factors (including hypertension, dyslipidemia, obesity, overweight), or a renal disease who—'' and inserting ''in the case of a beneficiary—

''(i) with diabetes, pre-diabetes or its risk factors (including hypertension, dyslipidemia, obesity, overweight), or a renal disease who—'';

(3) by adding ''or'' at the end of subclause (III) of clause (i), as so redesignated; and

(4) by adding at the end the following new clause:

''(ii) who is not described in clause (i) but who has another disease, condition, or disorder for which the Secretary has made a national coverage determination (as defined in section 1869(f)(1)(B)) for the coverage of such services;''.

(b) COVERAGE OF SERVICES FURNISHED BY PHYSICIANS.—Section 1861(vv)(1) of the Social Security Act (42 U.S.C. 1395x(vv)(1)) is amended by inserting ''or which are furnished by a physician'' before the period at the end.

(c) NATIONAL COVERAGE DETERMINATION PROCESS.—In making a national coverage determination described in section 1861(s)(2)(V)(ii) of the Social Security Act, as added by subsection (a)(4), the Secretary of Health and Human Services, acting through the Administrator of the Centers for Medicare & Medicaid Services, shall—

(1) consult with dietetic and nutrition professional organizations in determining appropriate protocols for coverage of medical nutrition therapy services for individuals with different diseases, conditions, and disorders; and

(2) consider the degree to which medical nutrition therapy interventions prevent or help prevent the onset or progression of more serious diseases, conditions, or disorders.

SEC. 404. CLARIFICATION OF EPSDT INCLUSION OF PREVENTION, SCREENING, AND TREATMENT SERVICES FOR OBESITY AND OVERWEIGHT; SCHIP COVERAGE.

(a) IN GENERAL.—Section 1905(r)(5) of the Social Security Act (42 U.S.C. 1396d(r)(5)) is amended by inserting '', including weight and BMI measurement and monitoring, as well as appropriate treatment services (including but not limited to) medical nutrition therapy services (as defined in section 1861(vv)(1)), physical therapy or exercise training, and behavioral health counseling, based on recommendations of the United States Council on Overweight-Obesity Prevention under section 399R of the Public Health Service Act and such other expert recommendations and studies as determined by the Secretary'' before the period.

(b) SCHIP.—

(1) REQUIRED COVERAGE.—Section 2103 (42 U.S.C. 1397cc) is amended—

(A) in subsection (a), in the matter before paragraph (1), by striking ''subsection (c)(5)'' and inserting ''paragraphs (5) and (7) of subsection (c)''; and

(B) in subsection (c)—

(i) by redesignating paragraph (5) as paragraph (7); and

(ii) by inserting after paragraph (4), the following:

''(5) PREVENTION, SCREENING, AND TREATMENT SERVICES FOR OBESITY AND OVERWEIGHT.—The child health assistance provided to a targeted low-income child shall include coverage of weight and BMI measurement and monitoring, as well as appropriate treatment services (including but not limited to) medical nutrition therapy services (as defined in section 1861(vv)(1)), physical therapy or exercise training, and behavioral health counseling, based on recommendations of the United States Council on Overweight-Obesity Prevention under section 399R of the Public Health Service Act and such other expert recommendations and studies as determined by the Secretary.''.

(2) CONFORMING AMENDMENT.—Section 2102(a)(7)(B) (42 U.S.C. 1397bb(c)(2)) is amended by inserting ''and services described in section 2103(c)(5)'' after ''emergency services''.

SEC. 405. INCLUSION OF PREVENTIVE SERVICES IN QUALITY MATERNAL AND CHILD HEALTH SERVICES.

Section 501(b) of the Social Security Act (42 U.S.C. 701(b)) is amended by adding at the end the following new paragraph:

''(5) The term 'quality maternal and child health services' includes the following:

''(A) Evidence-based preventive services described in section 1905(y).

''(B) Medical nutrition counseling for individuals with pre-diabetes or obesity, or who are overweight (as defined by the Secretary).

''(C) Weight and BMI measurement and monitoring, as well as appropriate treatment services (including but not limited to) medical nutrition therapy services (as defined in section 1861(vv)(1)), physical therapy or exercise training, and behavioral health counseling, based on recommendations of the United States Council on Overweight-Obesity Prevention under section 399R of the Public Health Service Act and such other expert recommendations and studies as determined by the Secretary.''.

SEC. 406. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this title take effect on October 1, 2009.

(b) EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.—In the case of a State plan under title XIX or XXI of the Social Security Act (42 U.S.C. 1396 et seq., 1397aa et seq.) which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by this section, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session is considered to be a separate regular session of the State legislature.

By Mr. REID:

S. 3590. A bill to provide grants for use by rural local educational agencies in purchasing new school buses; to the Committee on Commerce, Science, and Transportation.

Mr. REID. Mr. President, many years ago, when I attended school in Searchlight, I walked to school. When it was time for high school, I hitched a ride into a town 40 miles away and had to stay with family during the week. There weren't many options back then. That was how many kids got to school in rural Nevada—walk or hitchhike.

Now, of course, in both urban and rural America, most children take school buses to school.

Unfortunately, rural school districts across America are strapped. They can't afford to buy newer, safer buses. With gas near $4 a gallon, their budgets have been stretched to the limits. As a result, many rural areas have no choice but to operate outdated, unsafe school buses for as long as they can pass inspection.

Over the years, I have met several times with the school superintendents in my State—all 17 of them. While each district has their own unique challenges, they all have an urgent need for safe and reliable school buses.

In some rural Nevada counties, school buses must travel a million miles in a single school year. Last school year, the buses in one of Nevada's rural school districts traveled close to 5 million miles combined. I am fairly confident that many of my colleagues on both sides of the aisle would agree that the need for newer and safer school buses is not unique to Nevada's rural school districts.

From my meetings with our State's superintendents, it was clear that our school districts needed assistance. In the 108th and 109th Congresses, I introduced legislation to help these and other rural districts transport children to school in a way that is safe, affordable, and environmentally sound.

The Bus Utility and Safety in School Transportation Opportunity and Purchasing Act of 2008—or BUS STOP—allows school districts across rural America to be eligible for transit funding through the Department of Transportation, with the Federal Government contributing 75 percent of the cost.

Some may wonder why we need such a program when the Environmental

Protection Agency already has a cost-share grant program—the Clean School Bus USA program—to help school districts purchase new buses powered by natural gas or other alternative fuels.

Unfortunately, most of the rural districts in my State, and, I would imagine, across the country, cannot apply for these grants because they don't have the infrastructure in place to support this technology.

However, working in the spirit of a cleaner environment and healthy children, this bill will help rural school districts buy newer buses that are better for our air, and safer for our children.

There are many small, rural towns in America, like Searchlight, where kids travel to school in outdated buses. They deserve no less than safe, clean, economical buses to get them to school.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3590

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 ''Bus Utility and Safety in School Transportation Opportunity and Purchasing Act of 2008''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) school transportation issues remain a concern for parents, State and local educational agencies, lawmakers, the National Highway Traffic Safety Administration, the National Transportation Safety Board, and the Environmental Protection Agency;

(2) many rural local educational agencies are operating outdated, unsafe school buses that are failing inspection, resulting in a depletion of the school bus fleets of the local educational agencies;

(3) many rural local educational agencies are unable to afford newer and safer buses;

(4) the rising cost of fuel has further strained the budgets of local educational agencies across the country; and

(5) millions of children face potential future health problems because of exposure to noxious fumes emitted from older school buses.

(b) PURPOSE.—The purpose of this Act is to establish within the Department of Transportation a Federal cost-sharing program to assist rural local educational agencies with older, unsafe school bus fleets in purchasing newer, safer school buses.

SEC. 3. DEFINITIONS.

In this Act:

(1) RURAL LOCAL EDUCATIONAL AGENCY.—The term ''rural local educational agency'' means a local educational agency, as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801), with respect to which—

(A) each county in which a school served by the local educational agency is located has a total population density of fewer than 10 persons per square mile;

(B) all schools served by the local educational agency are designated with a school locale code of 7 or 8, as determined by the Secretary of Education; or

(C) all schools served by the local educational agency have been designated, by official action taken by the legislature of the State in which the local educational agency is located, as rural schools for purposes relating to the provision of educational services to students in the State.

(2) SCHOOL BUS.—The term ''school bus'' means a vehicle the primary purpose of which is to transport students to and from school or school activities.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

SEC. 4. GRANT PROGRAM.

(a) IN GENERAL.—From amounts made available under section 5311(j) of title 49, United States Code, for a fiscal year, the Secretary, in consultation with the Secretary of Education, shall provide grants, on a competitive basis, to rural local educational agencies to pay the Federal share of the cost of purchasing new school buses.

(b) APPLICATION.—

(1) IN GENERAL.—Each rural local educational agency that seeks to receive a grant under this Act shall submit to the Secretary for approval an application at such time, in such manner, and accompanied by such information (in addition to information required under paragraph (2)) as the Secretary may require.

(2) CONTENTS.—Each application submitted under paragraph (1) shall include—

(A) documentation that, of the total number of school buses operated by the rural local educational agency, a majority of these buses entered service prior to 1998;

(B) documentation of the number of miles that each school bus operated by the rural local educational agency traveled in the most recent 9-month academic year;

(C) documentation that the rural local educational agency is operating with a strained fleet of school buses;

(D) a certification from the rural local educational agency that—

(i) authorizes the application of the rural local educational agency for a grant under this Act; and

(ii) describes the dedication of the rural local educational agency to school bus replacement programs and school transportation needs (including the number of new school buses needed by the rural local educational agency); and

(E) an assurance that the rural local educational agency or state educational agency will pay the non-Federal share of the cost of the purchase of new school buses under this Act from non-Federal sources.

(c) PRIORITY.—

(1) IN GENERAL.—In providing grants under this Act, the Secretary shall give priority to rural local educational agencies that, as determined by the Secretary—

(A) are transporting students in a bus manufactured before 1977;

(B) have a strained fleet of school buses; or

(C) serve a school that is required, under section 1116(b)(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)(9)), to provide transportation to students to enable the students to transfer to another public school served by the rural local educational agency.

(d) PAYMENTS; FEDERAL SHARE.—

(1) PAYMENTS.—The Secretary shall pay to each rural local educational agency having an application approved under this section the Federal share described in paragraph (2) of the cost of purchasing such number of new school buses as is specified in the approved application.

(2) FEDERAL SHARE.—The Federal share of the cost of purchasing a new school bus under this Act shall be 75 percent.

(e) FORMULA GRANTS UNDER SAFETEA–LU.—Section 5311 of title 49, United States Code, is amended by inserting at the end the following:

''(j) RURAL SCHOOL TRANSPORTATION.—The Secretary may expand not to exceed 5 percent of amounts made available under this section to carry out the Bus Utility and Safety in School Transportation Opportunity and Purchasing Act of 2008.''.

By Mr. REID (for himself and Mr. ENSIGN):

S. 3595. A bill to direct the Secretary of the Interior to convey to the Nevada System of Higher Education certain Federal land located in Clark and Nye counties, Nevada, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, I rise today with my good friend Senator ENSIGN to introduce the Southern Nevada Higher Education Land Act of 2008. This bill will expand opportunities for higher education in one of the Nation's fastest growing areas, southern Nevada.

In July 1862, President Abraham Lincoln signed the Land Grant College Act into law, creating a higher education legacy that continues to benefit our country today. That bill, now referred to as the Morrill Act, provided 30,000 acres of Federal land per Member of Congress to establish institutions of higher education in each State. Today, thanks in large part to the foresight of Senator Justin Smith Morrill from Vermont and others from his time, this Nation has one of the finest public university systems in the world.

Among the many universities established as a result of this forward-looking legislation was the University of Nevada. The State's first university was originally founded in Elko in 1874. Two years later, Nevada's State legislature voted to move the university to its current home in Reno. The University of Nevada remained the State's only higher education institution for 75 years.

From these humble beginnings, the State of Nevada has expanded its higher education system to now include two research universities, one State college, one research institution, and four community colleges. The Nevada System of Higher Education, which was formed in 1968 and encompasses all 8 institutions, has grown to serve roughly 98,000 degree-seeking students.

As the State of Nevada continues to grow, so too must its university system. With over 2 million residents in 2007, greater Las Vegas is the fourth-largest metropolitan area in the Mountain West. In this decade alone, the area's population has grown by 31 percent, 5 times faster than the Nation as a whole. By the year 2040, the area's population is projected to double to nearly 4.3 million residents. We must expand higher education opportunities to meet the demands of this growing region.

Consider the following—the University of Nevada, Las Vegas, with 28,000 students and 3,300 faculty and staff, is the fourth fastest-growing research university in the Nation. The College of Southern Nevada, also in Las Vegas, serves 39,000 students and its three

urban campuses are at near capacity. The town of Pahrump, 60 miles from Las Vegas in rural Nye County, has grown by 20 percent since 2000. Great Basin College's small branch campus in Pahrump uses high school classrooms at night to serve the city's 41,000 residents.

Our legislation will make selected parcels of Federal lands available for the future growth of the university system. Land will be provided for new campuses for the University of Nevada, Las Vegas; the College of Southern Nevada; and a Pahrump campus of Great Basin College. The current campuses for these three institutions comprise 1,150 acres in southern Nevada. With the passage of this legislation, an additional 2,400 acres will be available for new classroom, research, and residential facilities to help further the missions of these three fine institutions.

To establish these new campuses, three parcels of land would be conveyed from the Bureau of Land Management, BLM, to the Nevada System of Higher Education. Two of the parcels are located in Clark County, within the Southern Nevada Public Land Management Act, SNPLMA, disposal boundary. The third parcel is located in Pahrump, west of Las Vegas, in Nye County. BLM has designated all of these parcels for disposal because they are surrounded by development and are difficult to manage.

It is important to point out that the land our legislation conveys for the University of Nevada, Las Vegas, borders Nellis Air Force Base. Nellis was once on the outskirts of town, but now development is on its doorstep. In order to protect the mission of the Nellis Air Force base, we have put a special provision in the legislation requiring that the university system and Air Force sign a common agreement regarding development plans for the campus before any land is conveyed. The university system and the Air Force have been in conversations about this agreement for at least 2 years and seem to have found a middle ground that will serve the interests of both parties. We greatly appreciate the efforts of the university system and the Air Force to make this work.

This same land bordering Nellis was once used as a small arms range during World War II and will need to be cleaned up before it can be conveyed to the university system. Because it will take time to accomplish this, our legislation allows the land to be conveyed in phases, as the remediation is completed.

This proposal to expand higher education opportunities in southern Nevada has been welcomed by area leaders. City and county officials have worked closely with the Nevada System of Higher Education to plan the development of world-class facilities in their communities. These facilities are critical to meeting the challenge of diversifying their economies and attracting and growing knowledge industries in the area.

Just as the Morrill Act opened up Federal land to expand higher education across the Nation, I am hopeful that this important, though much more modest effort can do the same for the residents of southern Nevada. We look forward to working with Chairman BINGAMAN, Ranking Member DOMENICI and the other distinguished members of the Energy and Natural Resources Committee to move this legislation in an expeditious manner.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3595

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 ''Southern Nevada Higher Education Land Act of 2008''.

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) southern Nevada is 1 of the fastest growing regions in the United States, with 750,000 new residents added since 2000 and 250,000 residents expected to be added by 2010;

(2) the Nevada System of Higher Education serves more than 70,000 undergraduate and graduate students in southern Nevada, with enrollment in the System expected to grow by 21 percent during the next 10 years, which would bring enrollment to a total of 85,000 students in the System;

(3) the Nevada System of Higher Education campuses in southern Nevada comprise 1,200 acres, 1 of the smallest land bases of any major higher education system in the western United States;

(4) the University of Nevada, Las Vegas, with 28,500 students and 3,300 faculty and staff, is the fourth fastest-growing research university in the United States;

(5) the College of Southern Nevada—

(A) serves 39,000 students each semester; and

(B) is near capacity at each of the 3 urban campuses of the College;

(6) Pahrump, located in rural Nye County, Nevada—

(A) has grown by 20 percent since 2000; and

(B) has a small satellite campus of Great Basin College to serve the 40,500 residents of Pahrump, Nevada; and

(7) the Nevada System of Higher Education needs additional land to provide for the future growth of the System, particularly for the University of Nevada, Las Vegas, the College of Southern Nevada, and the Pahrump campus of Great Basin College.

(b) PURPOSES.—The purposes of this Act are—

(1) to provide additional land for a thriving higher education system that serves the residents of fast-growing southern Nevada;

(2) to provide residents of the State with greater opportunities to pursue higher education and the resulting benefits, which include increased earnings, more employment opportunities, and better health; and

(3) to provide communities in southern Nevada the economic and societal values of higher education, including economic growth, lower crime rates, greater civic participation, and less reliance on social services.

SEC. 3. DEFINITIONS.

In this Act:

(1) BOARD OF REGENTS.—The term ''Board of Regents'' means the Board of Regents of the Nevada System of Higher Education.

(2) CAMPUSES.—The term ''Campuses'' means the Great Basin College, College of Southern Nevada, and University of Las Vegas, Nevada, campuses.

(3) FEDERAL LAND.—The term ''Federal land'' means each of the 3 parcels of Bureau of Land Management land identified on the maps as ''Parcel to be Conveyed'', of which—

(A) approximately 40 acres is to be conveyed for the College of Southern Nevada;

(B) approximately 2,085 acres is to be conveyed for the University of Nevada, Las Vegas; and

(C) approximately 285 acres is to be conveyed for the Great Basin College.

(4) MAP.—The term ''Map'' means each of the 3 maps entitled ''Southern Nevada Higher Education Land Act'', dated July 11, 2008, and on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(6) STATE.—The term ''State'' means the State of Nevada.

(7) SYSTEM.—The term ''System'' means the Nevada System of Higher Education.

SEC. 4. CONVEYANCES OF FEDERAL LAND TO THE SYSTEM.

(a) CONVEYANCES.—

(1) IN GENERAL.—Notwithstanding section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) and section 1(c) of the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869(c)) and subject to all valid existing rights, the Secretary shall—

(A) not later than 180 days after the date of enactment of this Act, convey to the System, without consideration, all right, title, and interest of the United States in and to the Federal land for the Great Basin College and the College of Southern Nevada; and

(B) not later than 180 days after the receipt of certification of acceptable remediation of environmental conditions existing on the parcel to be conveyed for the University of Nevada, Las Vegas, convey to the System, without consideration, all right, title, and interest of the United States in and to the Federal land for the University of Nevada, Las Vegas.

(2) PHASES.—The Secretary may phase the conveyance of the Federal land under paragraph (1)(B) as remediation is completed.

(b) CONDITIONS.—

(1) IN GENERAL.—As a condition of the conveyance under subsection (a)(1), the Board of Regents shall agree in writing—

(A) to pay any administrative costs associated with the conveyance, including the costs of any environmental, wildlife, cultural, or historical resources studies;

(B) to use the Federal land conveyed for educational and recreational purposes;

(C) to release and indemnify the United States from any claims or liabilities that may arise from uses carried out on the Federal land on or before the date of enactment of this Act by the United States or any person;

(D) as soon as practicable after the date of the conveyance under subsection (a)(1), to erect at each of the Campuses an appropriate and centrally located monument that acknowledges the conveyance of the Federal land by the United States for the purpose of furthering the higher education of the citizens in the State; and

(E) to assist the Bureau of Land Management in providing information to the students of the System and the citizens of the State on—

(i) public land (including the management of public land) in the Nation; and

(ii) the role of the Bureau of Land Management in managing, preserving, and protecting the public land in the State.

(2) AGREEMENT WITH NELLIS AIR FORCE BASE.—As a condition of the conveyance of the Federal land for the University of Nevada, Las Vegas under subsection (a)(1)(B), the Board of Regents shall enter into a cooperative interlocal agreement with Nellis Air Force Base that is consistent with the missions of the System and the United States Air Force.

(c) USE OF FEDERAL LAND.—

(1) IN GENERAL.—The System may use the Federal land conveyed under subsection (a)(1) for—

(A) any purpose relating to the establishment, operation, growth, and maintenance of the System; and

(B) any uses relating to the purposes, including residential and commercial development that would generally be associated with an institution of higher education.

(2) OTHER ENTITIES.—The System may—

(A) consistent with Federal and State law, lease, or otherwise provide property or space at, the Campuses, with or without consideration, to religious, public interest, community, or other groups for services and events that are of interest to the System or to any community located in southern Nevada;

(B) allow any other communities in southern Nevada to use facilities of the Campuses for educational and recreational programs of the community; and

(C) in conjunction with the city of Las Vegas, North Las Vegas, or Pahrump or Clark or Nye County plan, finance (including through the provision of cost-share assistance), construct, and operate facilities for the city of Las Vegas, North Las Vegas, or Pahrump or Clark or Nye County on the Federal land conveyed for educational or recreational purposes consistent with this section.

(d) REVERSION.—

(1) IN GENERAL.—If the Federal land or any portion of the Federal land conveyed under subsection (a)(1) ceases to be used for the System, the Federal land, or any portion of the Federal land shall, at the discretion of the Secretary, revert to the United States.

(2) UNIVERSITY OF NEVADA, LAS VEGAS.—If the System fails to complete the first building or show progression toward development of the University of Nevada, Las Vegas campus on the applicable parcels of Federal land by the date that is 50 years after the date of receipt of certification of acceptable remediation of environmental conditions, the parcels of the Federal land described in section 3(3)(B) shall, at the discretion of the Secretary, revert to the United States.

By Mr. KERRY:

S. 3596. A bill to stabilize the small business lending market, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, over the past several days the Federal Government has been called upon to bail out some of America's largest financial companies. While I recognize that swift action must be taken to prevent the collapse of our Nation's major financial institutions, like many other Americans, I believe we also should come to the aid of our Nation's small businesses, which are also imperiled by this financial crisis.

Today the problems facing small firms and the banks that typically lend to them are not unlike those being faced by corporate America—firms simply cannot access the capital they need to keep their small businesses afloat in the wake of this economic crisis. Although the Small Business Administration's loan programs were designed to reach these marginalized borrowers, there is ample evidence that the programs are failing to do so at this critical juncture.

Last year, the SBA's 7(a) and 504 loan guarantee programs combined to provide over 100,000 American small businesses with essential financing, and they injected approximately $20 billion into our local businesses and communities. As a result of the financial crisis, 7(a) loans are down about 30 percent in terms of the number of loans made, and down about 11 percent in terms of dollars. Meanwhile, the number of 504 loans has decreased about 16 percent and they are down approximately 15 percent in terms of dollars loaned for fiscal year 2008. But these are more than just statistics; they are stark indications that the SBA's loan programs are not reaching enough of the small businesses that are now struggling to obtain affordable credit.

The recent drop in SBA lending paints a picture of small business borrowers and lenders caught in a vicious cycle driven by the financial crises of the past year. On the lender side of the equation, struggling banks have become so concerned with risk that they have virtually cut off conventional small business borrowing, even to well-qualified firms. On the borrower side, the banks' extremely tight lending practices are preventing loans—SBA loans in particular—from serving small businesses that need capital to survive the current economic crisis. That is why I am introducing the Small Business Lending Market Stabilization Act of 2008—which will jump start SBA lending, helping thousands of American small businesses receive the financing they need to survive the current financial crisis.

In April, as Chairman of the Senate Committee on Small Business and Entrepreneurship, I held a hearing to learn why the SBA loan programs were not reaching small businesses that were being squeezed out of the conventional loan markets by the credit crunch. Although the Administration refused to admit it at the time, virtually every other witness at the hearing told me that the SBA's increased fees played a significant role. The bill I have introduced today will address that problem by temporarily eliminating the fees that the SBA charges to borrowers, lenders, and ''Certified Development Companies'' for the 7(a) and 504 loan guarantee programs. This will immediately reduce the cost of capital for SBA borrowers. With lower monthly loan payments, more money will be placed into the hands of small business owners—money that will allow them to continue purchasing inventory and equipment. At the same time, the fee relief will also reduce the cost of lending for SBA's partners in the private sector, allowing them to make more small business loans through the programs.

The bill also includes several provisions that will expand the universe of small businesses that can access the SBA's loan programs. For instance, one measure will permit certain borrowers to refinance a limited amount of their preexisting debt through a new 504 loan. This adjustment will allow 504 loans to reach small business owners who want to refinance their company's existing debt, but have been turned down by conventional lenders.

The bill also contains measures that will give lenders greater flexibility in making SBA loans. One provision would allow the SBA to use ''weighted average rates'' when pooling loans for sale on the secondary market, making the secondary markets for SBA loans more efficient and improving liquidity among participating banks. Another provision would provide greater flexibility by directing the SBA to give lenders at least one alternative interest rate to the Wall Street prime rate, which will help reduce interest rate typically charged on 7(a) loans.

In short, the bill I am introducing today will provide much needed support for America's small businesses, helping them break free from the vicious cycle caused by the crisis in our financial markets. I will continue to work with my colleagues on both sides of the aisle to ensure that the massive Wall Street bailout proposal we have been asked to approve contains adequate protections for taxpayers. But I also urge my colleagues to join me in supporting this bill, which will provide a lifeline to hundreds of thousands of American small businesses along Main Street.

By Mr. KYL:

S. 3599. A bill to amend title 18, United States Code, to add crimes committed in Indian country or exclusive Federal jurisdiction as racketeering predicates; to the Committee on the Judiciary.

Mr. KYL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3599

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CRIMES COMMITTED IN INDIAN COUNTRY OR EXCLUSIVE FEDERAL JURISDICTION AS RACKETEERING PREDICATES.

Section 1961(1)(A) of title 18, United States Code, is amended by inserting '', or would have been so chargeable if the act or threat (other than gambling conducted pursuant to Federal law) had not been committed in Indian country (as defined in section 1151) or in any other area of exclusive Federal jurisdiction,'' after ''chargeable under State law''.

By Mr. KYL:

S. 3600. A bill to amend title 35, United States Code, to provide for patent reform; to the Committee on the Judiciary.

Mr. KYL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill ordered to be printed in the RECORD, as follows:

S. 3600

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Patent Reform Act of 2008''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Right of the first inventor to file.
Sec. 3. Inventor's oath or declaration.
Sec. 4. Damages.
Sec. 5. Post-grant review proceedings.
Sec. 6. Definition; patent trial and appeal board.
Sec. 7. Submissions by third parties and other quality enhancements.
Sec. 8. Venue.
Sec. 9. Patent and trademark office regulatory authority.
Sec. 10. Applicant quality submissions.
Sec. 11. Inequitable conduct and civil sanctions for misconduct before the Office.
Sec. 12. Authority of the Director of the Patent and Trademark Office to accept late filings.
Sec. 13. Limitation on damages and other remedies with respect to patents for methods in compliance with check imaging methods.
Sec. 14. Patent and trademark office funding.
Sec. 15. Technical amendments.
Sec. 16. Effective date; rule of construction.

SEC. 2. RIGHT OF THE FIRST INVENTOR TO FILE.

(a) DEFINITIONS.—Section 100 of title 35, United States Code, is amended by adding at the end the following:

''(f) The term 'inventor' means the individual or, if a joint invention, the individuals collectively who invented or discovered the subject matter of the invention.

''(g) The terms 'joint inventor' and 'co-inventor' mean any 1 of the individuals who invented or discovered the subject matter of a joint invention.

''(h) The 'effective filing date of a claimed invention' is—

''(1) the filing date of the patent or the application for patent containing the claim to the invention; or

''(2) if the patent or application for patent is entitled to a right of priority of any other application under section 119, 365(a), or 365(b) or to the benefit of an earlier filing date in the United States under section 120, 121, or 365(c), the filing date of the earliest such application in which the claimed invention is disclosed in the manner provided by the first paragraph of section 112.

''(i) The term 'claimed invention' means the subject matter defined by a claim in a patent or an application for a patent.''.

(b) CONDITIONS FOR PATENTABILITY.—

(1) IN GENERAL.—Section 102 of title 35, United States Code, is amended to read as follows:

''§ 102. Conditions for patentability; novelty

''(a) NOVELTY; PRIOR ART.—A patent for a claimed invention may not be obtained if—

''(1) the claimed invention was patented, described in a printed publication, or otherwise made available to the public (other than through testing undertaken to reduce the invention to practice)—

''(A) more than 1 year before the effective filing date of the claimed invention; or

''(B) 1 year or less before the effective filing date of the claimed invention, other than through disclosures made by the inventor or a joint inventor or by others who obtained the subject matter disclosed directly or indirectly from the inventor or a joint inventor; or

''(2) the claimed invention was described in a patent issued under section 151, or in an application for patent published or deemed published under section 122(b), in which the patent or application, as the case may be, names another inventor and was effectively filed before the effective filing date of the claimed invention.

''(b) EXCEPTIONS.—

''(1) PRIOR INVENTOR DISCLOSURE EXCEPTION.—Subject matter that would otherwise qualify as prior art based upon a disclosure under subparagraph (B) of subsection (a)(1) shall not be prior art to a claimed invention under that subparagraph if the subject matter had, before such disclosure, been publicly disclosed by the inventor or a joint inventor or others who obtained the subject matter disclosed directly or indirectly from the inventor or a joint inventor.

''(2) DERIVATION, PRIOR DISCLOSURE, AND COMMON ASSIGNMENT EXCEPTIONS.—Subject matter that would otherwise qualify as prior art only under subsection (a)(2), after taking into account the exception under paragraph (1), shall not be prior art to a claimed invention if—

''(A) the subject matter was obtained directly or indirectly from the inventor or a joint inventor;

''(B) the subject matter had been publicly disclosed by the inventor or a joint inventor or others who obtained the subject matter disclosed, directly or indirectly, from the inventor or a joint inventor before the effective filing date of the application or patent set forth under subsection (a)(2); or

''(C) the subject matter and the claimed invention, not later than the effective filing date of the claimed invention, were owned by the same person or subject to an obligation of assignment to the same person.

''(3) JOINT RESEARCH AGREEMENT EXCEPTION.—

''(A) IN GENERAL.—Subject matter and a claimed invention shall be deemed to have been owned by the same person or subject to an obligation of assignment to the same person in applying the provisions of paragraph (2) if—

''(i) the subject matter and the claimed invention were made by or on behalf of 1 or more parties to a joint research agreement that was in effect on or before the effective filing date of the claimed invention;

''(ii) the claimed invention was made as a result of activities undertaken within the scope of the joint research agreement; and

''(iii) the application for patent for the claimed invention discloses or is amended to disclose the names of the parties to the joint research agreement.

''(B) For purposes of subparagraph (A), the term 'joint research agreement' means a written contract, grant, or cooperative agreement entered into by 2 or more persons or entities for the performance of experimental, developmental, or research work in the field of the claimed invention.

''(4) PATENTS AND PUBLISHED APPLICATIONS EFFECTIVELY FILED.—A patent or application for patent is effectively filed under subsection (a)(2) with respect to any subject matter described in the patent or application—

''(A) as of the filing date of the patent or the application for patent; or

''(B) if the patent or application for patent is entitled to claim a right of priority under section 119, 365(a), or 365(b) or to claim the benefit of an earlier filing date under section 120, 121, or 365(c), based upon 1 or more prior filed applications for patent, as of the filing date of the earliest such application that describes the subject matter.''.

(2) CONFORMING AMENDMENT.—The item relating to section 102 in the table of sections for chapter 10 of title 35, United States Code, is amended to read as follows:

''102. Conditions for patentability; novelty.''.

(c) CONDITIONS FOR PATENTABILITY; NON-OBVIOUS SUBJECT MATTER.—Section 103 of title 35, United States Code, is amended to read as follows:

''§ 103. Conditions for patentability; non-obvious subject matter

''A patent for a claimed invention may not be obtained though the claimed invention is not identically disclosed as set forth in section 102, if the differences between the claimed invention and the prior art are such that the claimed invention as a whole would have been obvious before the effective filing date of the claimed invention to a person having ordinary skill in the art to which the claimed invention pertains. Patentability shall not be negated by the manner in which the invention was made.''.

(d) REPEAL OF REQUIREMENTS FOR INVENTIONS MADE ABROAD.—Section 104 of title 35, United States Code, and the item relating to that section in the table of sections for chapter 10 of title 35, United States Code, are repealed.

(e) REPEAL OF STATUTORY INVENTION REGISTRATION.—

(1) IN GENERAL.—Section 157 of title 35, United States Code, and the item relating to that section in the table of sections for chapter 14 of title 35, United States Code, are repealed.

(2) REMOVAL OF CROSS REFERENCES.—Section 111(b)(8) of title 35, United States Code, is amended by striking ''sections 115, 131, 135, and 157'' and inserting ''sections 131 and 135''.

(f) EARLIER FILING DATE FOR INVENTOR AND JOINT INVENTOR.—Section 120 of title 35, United States Code, is amended by striking ''which is filed by an inventor or inventors named'' and inserting ''which names an inventor or joint inventor''.

(g) CONFORMING AMENDMENTS.—

(1) RIGHT OF PRIORITY.—Section 172 of title 35, United States Code, is amended by striking ''and the time specified in section 102(d)''.

(2) LIMITATION ON REMEDIES.—Section 287(c)(4) of title 35, United States Code, is amended by striking ''the earliest effective filing date of which is prior to'' and inserting ''which has an effective filing date before''.

(3) INTERNATIONAL APPLICATION DESIGNATING THE UNITED STATES: EFFECT.—Section 363 of title 35, United States Code, is amended by striking ''except as otherwise provided in section 102(e) of this title''.

(4) PUBLICATION OF INTERNATIONAL APPLICATION: EFFECT.—Section 374 of title 35, United States Code, is amended by striking ''sections 102(e) and 154(d)'' and inserting ''section 154(d)''.

(5) PATENT ISSUED ON INTERNATIONAL APPLICATION: EFFECT.—The second sentence of section 375(a) of title 35, United States Code, is amended by striking ''Subject to section 102(e) of this title, such'' and inserting ''Such''.

(6) LIMIT ON RIGHT OF PRIORITY.—Section 119(a) of title 35, United States Code, is amended by striking ''; but no patent shall be granted'' and all that follows through ''one year prior to such filing''.

(7) INVENTIONS MADE WITH FEDERAL ASSISTANCE.—Section 202(c) of title 35, United States Code, is amended—

(A) in paragraph (2)—

(i) by striking ''publication, on sale, or public use,'' and all that follows through ''obtained in the United States'' and inserting ''the 1-year period referred to in section 102(a) would end before the end of that 2-year period''; and

(ii) by striking ''the statutory'' and inserting ''that 1-year''; and

(B) in paragraph (3), by striking ''any statutory bar date that may occur under this title due to publication, on sale, or public use'' and inserting ''the expiration of the 1-year period referred to in section 102(a)''.

(h) REPEAL OF INTERFERING PATENT REMEDIES.—Section 291 of title 35, United States Code, and the item relating to that section in the table of sections for chapter 29 of title 35, United States Code, are repealed.

(i) ACTION FOR CLAIM TO PATENT ON DERIVED INVENTION.—Section 135(a) of title 35, United States Code, is amended to read as follows:

''(a) DISPUTE OVER RIGHT TO PATENT.—

''(1) INSTITUTION OF DERIVATION PROCEEDING.—An applicant may request initiation of a derivation proceeding to determine the right of the applicant to a patent by filing a request which sets forth with particularity the basis for finding that an earlier applicant derived the claimed invention from the applicant requesting the proceeding and, without authorization, filed an application claiming such invention. Any such request may only be made within 1 year after the date of first publication of an application or of the issuance of a patent, whichever is earlier, containing a claim that is the same or is substantially the same as the claimed invention, must be made under oath, and must be supported by substantial evidence. Whenever the Director determines that patents or applications for patent naming different individuals as the inventor interfere with one another because of a dispute over the right to patent under section 101, the Director shall institute a derivation proceeding for the purpose of determining which applicant is entitled to a patent.

''(2) DETERMINATION BY PATENT TRIAL AND APPEAL BOARD.—In any proceeding under this subsection, the Patent Trial and Appeal Board—

''(A) shall determine the question of the right to patent;

''(B) in appropriate circumstances, may correct the naming of the inventor in any application or patent at issue; and

''(C) shall issue a final decision on the right to patent.

''(3) DERIVATION PROCEEDING.—The Board may defer action on a request to initiate a derivation proceeding until 3 months after the date on which the Director issues a patent to the applicant whose application has the earlier effective filing date of the commonly claimed invention.

''(4) EFFECT OF FINAL DECISION.—The final decision of the Patent Trial and Appeal Board, if adverse to the claim of an applicant, shall constitute the final refusal by the United States Patent and Trademark Office on the claims involved. The Director may issue a patent to an applicant who is determined by the Patent Trial and Appeal Board to have the right to patent. The final decision of the Board, if adverse to a patentee, shall, if no appeal or other review of the decision has been or can be taken or had, constitute cancellation of the claims involved in the patent, and notice of such cancellation shall be endorsed on copies of the patent distributed after such cancellation by the United States Patent and Trademark Office.''.

(j) ELIMINATION OF REFERENCES TO INTERFERENCES.—(1) Sections 6, 41, 134, 141, 145, 146, 154, 305, and 314 of title 35, United States Code, are each amended by striking ''Board of Patent Appeals and Interferences'' each place it appears and inserting ''Patent Trial and Appeal Board''.

(2) Sections 141, 146, and 154 of title 35, United States Code, are each amended—

(A) by striking ''an interference'' each place it appears and inserting ''a derivation proceeding''; and

(B) by striking ''interference'' each additional place it appears and inserting ''derivation proceeding''.

(3) The section heading for section 134 of title 35, United States Code, is amended to read as follows:

''§ 134. Appeal to the Patent Trial and Appeal Board''.

(4) The section heading for section 135 of title 35, United States Code, is amended to read as follows:

''§ 135. Derivation proceedings''.

(5) The section heading for section 146 of title 35, United States Code, is amended to read as follows:

''§ 146. Civil action in case of derivation proceeding''.

(6) Section 154(b)(1)(C) of title 35, United States Code, is amended by striking ''INTERFERENCES'' and inserting ''DERIVATION PROCEEDINGS''.

(7) The item relating to section 6 in the table of sections for chapter 1 of title 35, United States Code, is amended to read as follows:

''6. Patent Trial and Appeal Board.''.

(8) The items relating to sections 134 and 135 in the table of sections for chapter 12 of title 35, United States Code, are amended to read as follows:

''134. Appeal to the Patent Trial and Appeal Board.

''135. Derivation proceedings.''.

(9) The item relating to section 146 in the table of sections for chapter 13 of title 35, United States Code, is amended to read as follows:

''146. Civil action in case of derivation proceeding.''.

(10) CERTAIN APPEALS.—Section 1295(a)(4)(A) of title 28, United States Code, is amended to read as follows:

''(A) the Patent Trial and Appeal Board of the United States Patent and Trademark Office with respect to patent applications, derivation proceedings, and post-grant review proceedings, at the instance of an applicant for a patent or any party to a patent interference (commenced before the effective date of the Patent Reform Act of 2008), derivation proceeding, or post-grant review proceeding, and any such appeal shall waive any right of such applicant or party to proceed under section 145 or 146 of title 35;''.

SEC. 3. INVENTOR'S OATH OR DECLARATION.

(a) INVENTOR'S OATH OR DECLARATION.—

(1) IN GENERAL.—Section 115 of title 35, United States Code, is amended to read as follows:

''§ 115. Inventor's oath or declaration

''(a) NAMING THE INVENTOR; INVENTOR'S OATH OR DECLARATION.—An application for patent that is filed under section 111(a) or that commences the national stage under section 371 (including an application under section 111 that is filed by an inventor for an invention for which an application has previously been filed under this title by that inventor) shall include, or be amended to include, the name of the inventor of any claimed invention in the application. Except as otherwise provided in this section, an individual who is the inventor or a joint inventor of a claimed invention in an application for patent shall execute an oath or declaration in connection with the application.

''(b) REQUIRED STATEMENTS.—An oath or declaration under subsection (a) shall contain statements that—

''(1) the application was made or was authorized to be made by the affiant or declarant; and

''(2) such individual believes himself or herself to be the original inventor or an original joint inventor of a claimed invention in the application.

''(c) ADDITIONAL REQUIREMENTS.—The Director may specify additional information relating to the inventor and the invention that is required to be included in an oath or declaration under subsection (a).

''(d) SUBSTITUTE STATEMENT.—

''(1) IN GENERAL.—In lieu of executing an oath or declaration under subsection (a), the applicant for patent may provide a substitute statement under the circumstances described in paragraph (2) and such additional circumstances that the Director may specify by regulation.

''(2) PERMITTED CIRCUMSTANCES.—A substitute statement under paragraph (1) is permitted with respect to any individual who—

''(A) is unable to file the oath or declaration under subsection (a) because the individual—

''(i) is deceased;

''(ii) is under legal incapacity; or

''(iii) cannot be found or reached after diligent effort; or

''(B) is under an obligation to assign the invention but has refused to make the oath or declaration required under subsection (a).

''(3) CONTENTS.—A substitute statement under this subsection shall—

''(A) identify the individual with respect to whom the statement applies;

''(B) set forth the circumstances representing the permitted basis for the filing of the substitute statement in lieu of the oath or declaration under subsection (a); and

''(C) contain any additional information, including any showing, required by the Director.

''(e) MAKING REQUIRED STATEMENTS IN ASSIGNMENT OF RECORD.—An individual who is under an obligation of assignment of an application for patent may include the required statements under subsections (b) and (c) in the assignment executed by the individual, in lieu of filing such statements separately.

''(f) TIME FOR FILING.—A notice of allowance under section 151 may be provided to an applicant for patent only if the applicant for patent has filed each required oath or declaration under subsection (a) or has filed a substitute statement under subsection (d) or recorded an assignment meeting the requirements of subsection (e).

''(g) EARLIER-FILED APPLICATION CONTAINING REQUIRED STATEMENTS OR SUBSTITUTE STATEMENT.—The requirements under this section shall not apply to an individual with respect to an application for patent in which the individual is named as the inventor or a joint inventor and that claims the benefit under section 120 or 365(c) of the filing of an earlier-filed application, if—

''(1) an oath or declaration meeting the requirements of subsection (a) was executed by the individual and was filed in connection with the earlier-filed application;

''(2) a substitute statement meeting the requirements of subsection (d) was filed in the earlier filed application with respect to the individual; or

''(3) an assignment meeting the requirements of subsection (e) was executed with respect to the earlier-filed application by the individual and was recorded in connection with the earlier-filed application.

''(h) SUPPLEMENTAL AND CORRECTED STATEMENTS; FILING ADDITIONAL STATEMENTS.—

''(1) IN GENERAL.—Any person making a statement required under this section may

withdraw, replace, or otherwise correct the statement at any time. If a change is made in the naming of the inventor requiring the filing of 1 or more additional statements under this section, the Director shall establish regulations under which such additional statements may be filed.

''(2) SUPPLEMENTAL STATEMENTS NOT REQUIRED.—If an individual has executed an oath or declaration under subsection (a) or an assignment meeting the requirements of subsection (e) with respect to an application for patent, the Director may not thereafter require that individual to make any additional oath, declaration, or other statement equivalent to those required by this section in connection with the application for patent or any patent issuing thereon.

''(3) SAVINGS CLAUSE.—No patent shall be invalid or unenforceable based upon the failure to comply with a requirement under this section if the failure is remedied as provided under paragraph (1).

''(i) ACKNOWLEDGMENT OF PENALTIES.—Any declaration or statement filed pursuant to this section shall contain an acknowledgment that any willful false statement made in such declaration or statement is punishable under section 1001 of title 18 by fine or imprisonment of not more than 5 years, or both.''.

(2) RELATIONSHIP TO DIVISIONAL APPLICATIONS.—Section 121 of title 35, United States Code, is amended by striking ''If a divisional application'' and all that follows through ''inventor.''.

(3) REQUIREMENTS FOR NONPROVISIONAL APPLICATIONS.—Section 111(a) of title 35, United States Code, is amended—

(A) in paragraph (2)(C), by striking ''by the applicant'' and inserting ''or declaration'';

(B) in the heading for paragraph (3), by striking ''AND OATH''; and

(C) by striking ''and oath'' each place it appears.

(4) CONFORMING AMENDMENT.—The item relating to section 115 in the table of sections for chapter 10 of title 35, United States Code, is amended to read as follows:

''115. Inventor's oath or declaration.''.

(b) FILING BY OTHER THAN INVENTOR.—Section 118 of title 35, United States Code, is amended to read as follows:

''§ 118. Filing by other than inventor

''A person to whom the inventor has assigned or is under an obligation to assign the invention may make an application for patent. A person who otherwise shows sufficient proprietary interest in the matter may make an application for patent on behalf of and as agent for the inventor on proof of the pertinent facts and a showing that such action is appropriate to preserve the rights of the parties. If the Director grants a patent on an application filed under this section by a person other than the inventor, the patent shall be granted to the real party in interest and upon such notice to the inventor as the Director considers to be sufficient.''.

(c) SPECIFICATION.—Section 112 of title 35, United States Code, is amended—

(1) in the first paragraph—

(A) by striking ''The specification'' and inserting ''(a) IN GENERAL.—The specification''; and

(B) by striking '', and shall set forth'' and all that follows through ''his invention''; and

(2) in the second paragraph—

(A) by striking ''The specifications'' and inserting ''(b) CONCLUSION.—The specifications''; and

(B) by striking ''applicant regards as his invention'' and inserting ''inventor or a joint inventor regards as the invention'';

(3) in the third paragraph, by striking ''A claim'' and inserting ''(c) FORM.—A claim'';

(4) in the fourth paragraph, by striking ''Subject to the following paragraph,'' and inserting ''(d) REFERENCE IN DEPENDENT FORMS.—Subject to subsection (e),'';

(5) in the fifth paragraph, by striking ''A claim'' and inserting ''(e) REFERENCE IN MULTIPLE DEPENDENT FORM.—A claim''; and

(6) in the last paragraph, by striking ''An element'' and inserting ''(f) ELEMENT IN CLAIM FOR A COMBINATION.—An element''.

SEC. 4. DAMAGES.

(a) DAMAGES.—Section 284 of title 35, United States Code, is amended to read as follows:

''§ 284. Damages

''(a) IN GENERAL.—

''(1) COMPENSATORY DAMAGES.—Upon finding for a claimant, the court shall award the claimant damages adequate to compensate for the infringement, but in no event less than a reasonable royalty for the use made of the invention by the infringer, together with interest and costs as determined by the court.

''(2) INCREASED DAMAGES.—When the damages are not found by a jury, the court shall assess them. In either event the court may increase the damages up to 3 times the amount found or assessed. Increased damages under this paragraph shall not apply to provisional rights under section 154(d) of this title.

''(3) LIMITATION.—Subsections (b) through (i) of this section apply only to the determination of the amount of reasonable royalty and shall not apply to the determination of other types of damages.

''(b) HYPOTHETICAL NEGOTIATION.—For purposes of this section, the term 'reasonable royalty' means the amount that the infringer would have agreed to pay and the claimant would have agreed to accept if the infringer and claimant had voluntarily negotiated a license for use of the invention at the time just prior to when the infringement began. The court or the jury, as the case may be, shall assume that the infringer and claimant would have agreed that the patent is valid, enforceable, and infringed.

''(c) APPROPRIATE FACTORS.—The court or the jury, as the case may be, may consider any factors that are relevant to the determination of the amount of a reasonable royalty.

''(d) STANDARDIZED MEASURES.—The amount of a reasonable royalty shall not be determined by the use of a standard or average ratio for the division of profits, an industry average rate for royalties, or other methods that are not based on the particular benefits or advantages of the use of the invention, unless the party asserting the propriety of such a method demonstrates that—

''(1) the use made of the invention is the primary reason for demand for the infringing product or process;

''(2) the method consists of the use of an established royalty;

''(3) the method consists of the use of an industry average range to confirm that an estimate of the amount of a reasonable royalty that is produced by an independently allowable method falls within a reasonable range; or

''(4) no other method is reasonably available to determine the amount of a reasonable royalty and the use of the method is otherwise appropriate.

''(e) COMPARABLE PATENTS.—

''(1) IN GENERAL.—The amount of a reasonable royalty shall not be determined by comparison to royalties paid for patents other than the patent in suit unless—

''(A) such other patents are used in the same or an analogous technological field;

''(B) such other patents are found to be economically comparable to the patent in suit; and

''(C) evidence of the value of such other patents is presented in conjunction with or as confirmation of other evidence for determining the amount of a reasonable royalty.

''(2) FACTORS.—Factors that may be considered to determine whether another patent is economically comparable to the patent in suit under paragraph (1)(A) include whether—

''(A) the other patent is comparable to the patent in suit in terms of the overall significance of the other patent to the product or process licensed under such other patent; and

''(B) the product or process that uses the other patent is comparable to the infringing product or process based upon its profitability or a like measure of value.

''(f) FINANCIAL CONDITION.—The financial condition of the infringer as of the time of the trial shall not be relevant to the determination of the amount of a reasonable royalty.

''(g) SEQUENCING.—Either party may request that a patent-infringement trial be sequenced so that the court or the jury, as the case may be, decides questions of the patent's infringement and validity before the issue of the amount of a reasonable royalty is presented to the court or the jury, as the case may be. The court shall grant such a request absent good cause to reject the request, such as the absence of issues of significant damages or infringement and validity. The sequencing of a trial pursuant to this subsection shall not affect other matters, such as the timing of discovery.

''(h) EXPERTS.—In addition to the expert disclosure requirements under rule 26(a)(2) of the Federal Rules of Civil Procedure, a party that intends to present the testimony of an expert relating to the amount of a reasonable royalty shall provide—

''(1) to the other parties to that civil action, the expert report relating to damages, including all data and other information considered by the expert in forming the opinions of the expert; and

''(2) to the court, at the same time as to the other parties, the complete statement of all opinions that the expert will express and the basis and reasons for those opinions.

''(i) JURY INSTRUCTIONS.—On the motion of any party and after allowing any other party to the civil action a reasonable opportunity to be heard, the court shall determine whether there is no legally sufficient evidence to support 1 or more of the contentions of a party relating to the amount of a reasonable royalty. The court shall identify for the record those factors that are supported by legally sufficient evidence, and shall instruct the jury to consider only those factors when determining the amount of a reasonable royalty. The jury may not consider any factor for which legally sufficient evidence has not been admitted at trial.''.

(b) TESTIMONY BY EXPERTS.—Chapter 29 of title 35, United States Code, as amended by section 11, is further amended by adding at the end the following:

''§ 299A. Testimony by experts

''(a) FEDERAL RULE.—In a patent case, the court shall ensure that the testimony of a witness qualified as an expert by knowledge, skill, experience, training, or education meets the requirements set forth in rule 702 of the Federal Rules of Evidence.

''(b) DETERMINATION OF RELIABILITY.—To determine whether an expert's principles and methods are reliable, the court may consider, among other factors—

''(1) whether the expert's theory or technique can be or has been tested;

''(2) whether the theory or technique has been subjected to peer review and publication;

''(3) the known or potential error rate of the theory or technique, and the existence

and maintenance of standards controlling the technique's operation;

''(4) the degree of acceptance of the theory or technique within the relevant scientific or specialized community;

''(5) whether the theory or technique is employed independently of litigation; or

''(6) whether the expert has adequately considered or accounted for readily available alternative theories or techniques.

''(c) REQUIRED EXPLANATION.—The court shall explain its reasons for allowing or barring the introduction of an expert's proposed testimony under this section.''.

SEC. 5. POST-GRANT REVIEW PROCEEDINGS.

(a) REEXAMINATION.—Section 303(a) of title 35, United States Code, is amended to read as follows:

''(a) Within 3 months after the owner of a patent files a request for reexamination under section 302, the Director shall determine whether a substantial new question of patentability affecting any claim of the patent concerned is raised by the request, with or without consideration of other patents or printed publications. The existence of a substantial new question of patentability is not precluded by the fact that a patent or printed publication was previously cited by or to the Office or considered by the Office.''.

(b) REPEAL OF OPTIONAL INTER PARTES REEXAMINATION PROCEDURES.—

(1) IN GENERAL.—Sections 311, 312, 313, 314, 315, 316, 317, and 318 of title 35, United States Code, and the items relating to those sections in the table of sections, are repealed.

(2) EFFECTIVE DATE.—Notwithstanding paragraph (1), the provisions of sections 311, 312, 313, 314, 315, 316, 317, and 318 of title 35, United States Code, shall continue to apply to any inter partes reexamination determination request filed on or before the effective date of subsection (c).

(c) POST-GRANT REVIEW PROCEEDINGS.—Part III of title 35, United States Code, is amended by adding at the end the following:

''CHAPTER 32—POST-GRANT REVIEW PROCEEDINGS

''Sec.
''321. Petition for post-grant review.
''322. Relation to other proceedings or actions.
''323. Requirements of petition.
''324. Publication and public availability of petition.
''325. Consolidation or stay of proceedings.
''326. Submission of additional information.
''327. Institution of post-grant review proceedings.
''328. Determination not appealable.
''329. Conduct of post-grant review proceedings.
''330. Patent owner response.
''331. Proof and evidentiary standards.
''332. Amendment of the patent.
''333. Settlement.
''334. Decision of the board.
''335. Effect of decision.
''336. Appeal.

''§ 321. Petition for post-grant review

''(a) IN GENERAL.—Subject to the provisions of this chapter, a person who has a substantial economic interest adverse to a patent may file with the Office a petition to institute a post-grant review proceeding for that patent. If instituted, such a proceeding shall be deemed to be either a first-period proceeding or a second-period proceeding. The Director shall establish, by regulation, fees to be paid by the person requesting the proceeding, in such amounts as the Director determines to be reasonable, considering the aggregate costs of the post-grant review proceeding and the status of the petitioner.

''(b) FIRST-PERIOD PROCEEDING.—

''(1) SCOPE.—A petitioner in a first-period proceeding may request to cancel as unpatentable 1 or more claims of a patent on any ground that could be raised under paragraph (2) or (3) of section 282(b) (relating to invalidity of the patent or any claim).

''(2) FILING DEADLINE.—A petition for a first-period proceeding shall be filed not later than 9 months after the grant of the patent or issuance of a reissue patent.

''(c) SECOND-PERIOD PROCEEDING.—

''(1) SCOPE.—A petitioner in a second-period proceeding may request to cancel as unpatentable 1 or more claims of a patent only on a ground that could be raised under section 102 or 103 and only on the basis of prior art consisting of patents or printed publications.

''(2) FILING DEADLINE.—A petition for a second-period proceeding shall be filed after the later of either—

''(A) 9 months after the grant of a patent or issuance of a reissue of a patent; or

''(B) if a first-period proceeding is instituted under section 327, the date of the termination of such first-period proceeding.

''§ 322. Relation to other proceedings or actions

''(a) EARLY ACTIONS.—A first-period proceeding may not be instituted until after a civil action alleging infringement of the patent is finally concluded if—

''(1) the infringement action is filed within 3 months after the grant of the patent;

''(2) a stay of the proceeding is requested by the patent owner;

''(3) the Director determines that the infringement action is likely to address the same or substantially the same questions of patentability that would be addressed in the proceeding; and

''(4) the Director determines that a stay of the proceeding would not be contrary to the interests of justice.

''(b) PENDING CIVIL ACTIONS.—

''(1) INFRINGER'S ACTION.—A post-grant review proceeding may not be instituted or maintained if the petitioner or real party in interest has filed a civil action challenging the validity of a claim of the patent.

''(2) PATENT OWNER'S ACTION.—A second-period proceeding may not be instituted if the petition requesting the proceeding is filed more than 3 months after the date on which the petitioner, real party in interest, or his privy is required to respond to a civil action alleging infringement of the patent.

''(3) STAY OR DISMISSAL.—The Director may stay or dismiss a second-period proceeding if the petitioner or real party in interest challenges the validity of a claim of the patent in a civil action.

''(c) DUPLICATIVE PROCEEDINGS.—A post-grant review or reexamination proceeding may not be instituted if—

''(1) the petition requesting the proceeding identifies the same petitioner or real party in interest and the same patent as a previous petition requesting a post-grant review proceeding; or

''(2) the petition requests cancellation of a claim in a reissue patent that is identical to a claim in the original patent from which the reissue patent was issued, and the time limitations in section 321 would bar filing a post-grant review petition for such original patent.

''(d) ESTOPPEL.—The petitioner in any post-grant review proceeding under this chapter may not request or maintain a proceeding before the Office with respect to a claim, or assert either in a civil action arising in whole or in part under section 1338 of title 28 or in a proceeding before the International Trade Commission that a claim in a patent is invalid, on any ground that—

''(1) the petitioner, real party in interest, or his privy raised during a post-grant review proceeding resulting in a final decision under section 334; or

''(2) the petitioner, real party in interest, or his privy could have raised during a second-period proceeding resulting in a final decision under section 334.

''§ 323. Requirements of petition

''A petition filed under section 321 may be considered only if—

''(1) the petition is accompanied by payment of the fee established by the Director under section 321;

''(2) the petition identifies all real parties in interest;

''(3) the petition identifies, in writing and with particularity, each claim challenged, the grounds on which the challenge to each claim is based, and the evidence that supports the grounds for each challenged claim, including—

''(A) copies of patents and printed publications that the petitioner relies upon in support of the petition; and

''(B) affidavits or declarations of supporting evidence and opinions, if the petitioner relies on other factual evidence or on expert opinions;

''(4) the petition provides such other information as the Director may require by regulation; and

''(5) the petitioner provides copies of any of the documents required under paragraphs (3) and (4) to the patent owner or, if applicable, the designated representative of the patent owner.

''§ 324. Publication and public availability of petition

''(a) IN GENERAL.—As soon as practicable after the receipt of a petition under section 321, the Director shall—

''(1) publish the petition in the Federal Register; and

''(2) make that petition available on the website of the United States Patent and Trademark Office.

''(b) PUBLIC AVAILABILITY.—The file of any proceeding under this chapter shall be made available to the public except that any petition or document filed with the intent that it be sealed shall be accompanied by a motion to seal. Such petition or document shall be treated as sealed, pending the outcome of the ruling on the motion. Failure to file a motion to seal will result in the pleadings being placed in the public record.

''§ 325. Consolidation or stay of proceedings

''(a) FIRST-PERIOD PROCEEDINGS.—If more than 1 petition for a first-period proceeding is properly filed against the same patent and the Director determines that more than 1 of these petitions warrants the instituting of a first-period proceeding under section 327, the Director shall consolidate such proceedings into a single first-period proceeding.

''(b) SECOND-PERIOD PROCEEDINGS.—If the Director institutes a second-period proceeding, the Director, in his discretion, may join as a party to that second-period proceeding any person who properly files a petition under section 321 that the Director, after receiving a preliminary response under section 330 or the expiration of the time for filing such a response, determines warrants the instituting of a second-period proceeding under section 327.

''(c) OTHER PROCEEDINGS.—Notwithstanding sections 135(a), 251, and 252, and chapter 30, during the pendency of any post-grant review proceeding the Director may determine the manner in which any proceeding or matter involving the patent that is before the Office may proceed, including providing for stay, transfer, consolidation, or termination of any such proceeding or matter.

''§ 326. Submission of additional information

''A petitioner under this chapter shall file such additional information with respect to

the petition as the Director may require by regulation.

"§ 327. Institution of post-grant review proceedings

''(a) THRESHOLD.—The Director may not authorize a post-grant review proceeding to commence unless the Director determines that the information presented in the petition, if such information is not rebutted, would provide a sufficient basis to conclude that at least 1 of the claims challenged in the petition is unpatentable.

''(b) ADDITIONAL GROUNDS.—In the case of a petition for a first-period proceeding, the determination required under subsection (a) may be satisfied by a showing that the petition raises a novel or unsettled legal question that is important to other patents or patent applications.

''(c) SUCCESSIVE PETITIONS.—The Director may not institute an additional second-period proceeding if a prior second-period proceeding has been instituted and the time period established under section 329(b)(2) for requesting joinder under section 325(b) has expired, unless the Director determines that—

''(1) the additional petition satisfies the requirements under subsection (a); and

''(2) either—

''(A) the additional petition presents exceptional circumstances; or

''(B) such an additional proceeding is reasonably required in the interests of justice.

''(d) TIMING.—The Director shall determine whether to institute a post-grant review proceeding under this chapter within 3 months after receiving a preliminary response under section 330 or the expiration of the time for filing such a response.

''(e) NOTICE.—The Director shall notify the petitioner and patent owner, in writing, of the Director's determination under subsection (a). The Director shall publish each notice of institution of a post-grant review proceeding in the Federal Register and make such notice available on the website of the United States Patent and Trademark Office. Such notice shall list the date on which the proceeding shall commence.

"§ 328. Determination not appealable

''The determination by the Director regarding whether to institute a post-grant review proceeding under section 327 shall not be appealable.

"§ 329. Conduct of post-grant review proceedings

''(a) IN GENERAL.—The Director shall prescribe regulations—

''(1) in accordance with section 2(b)(2), establishing and governing post-grant review proceedings under this chapter and their relationship to other proceedings under this title;

''(2) for setting forth the standards for showings of sufficient grounds to institute a proceeding under section 321(a) and subsections (a), (b), and (c) of section 327;

''(3) providing for the publication in the Federal Register all requests for the institution of post-grant proceedings;

''(4) establishing procedures for the submission of supplemental information after the petition is filed; and

''(5) setting forth procedures for discovery of relevant evidence, including that such discovery shall be limited to evidence directly related to factual assertions advanced by either party in the proceeding.

''(b) POST-GRANT REVIEW REGULATIONS.—The regulations required under subsection (a)(1) shall—

''(1) require that the final determination in any post-grant review proceeding be issued not later than 1 year after the date on which the Director notices the institution of a post-grant proceeding under this chapter, except that the Director may, for good cause shown, extend the 1-year period by not more than 6 months, and may adjust the time periods in this paragraph in the case of joinder under section 325(b);

''(2) set a time period for requesting joinder under section 325(b);

''(3) allow for discovery upon order of the Director, provided that in a second-period proceeding discovery shall be limited to—

''(A) the deposition of witnesses submitting affidavits or declarations; and

''(B) what is otherwise necessary in the interest of justice;

''(4) prescribe sanctions for abuse of discovery, abuse of process, or any other improper use of the proceeding, such as to harass or to cause unnecessary delay or unnecessary increase in the cost of the proceeding;

''(5) provide for protective orders governing the exchange and submission of confidential information;

''(6) ensure that any information submitted by the patent owner in support of any amendment entered under section 332 is made available to the public as part of the prosecution history of the patent; and

''(7) provide either party with the right to an oral hearing as part of the proceeding.

''(c) CONSIDERATIONS.—In prescribing regulations under this section, the Director shall consider the effect on the economy, the integrity of the patent system, and the efficient administration of the Office.

''(d) CONDUCT OF PROCEEDING.—The Patent Trial and Appeal Board shall, in accordance with section 6(b), conduct each proceeding authorized by the Director.

"§ 330. Patent owner response

''(a) PRELIMINARY RESPONSE.—If a post-grant review petition is filed under section 321, the patent owner shall have the right to file a preliminary response—

''(1) in the case of a first-period proceeding, within 2 months of the expiration of the time for filing a petition for a first-period proceeding; and

''(2) in the case of a second-period proceeding, within a time period set by the Director.

''(b) CONTENT OF RESPONSE.—A preliminary response to a petition for a post-grant review proceeding shall set forth reasons why no post-grant review proceeding should be instituted based upon the failure of the petition to meet any requirement of this chapter.

''(c) ADDITIONAL RESPONSE.—After a post-grant review proceeding under this chapter has been instituted with respect to a patent, the patent owner shall have the right to file, within a time period set by the Director, a response to the petition. The patent owner shall file with the response, through affidavits or declarations, any additional factual evidence and expert opinions on which the patent owner relies in support of the response.

"§ 331. Proof and evidentiary standards

''(a) IN GENERAL.—The presumption of validity set forth in section 282 of this title shall apply in post-grant review proceedings instituted under this chapter.

''(b) BURDEN OF PROOF.—The petitioner shall have the burden of proving a proposition of invalidity by a preponderance of the evidence in a first-period proceeding and by clear and convincing evidence in a second-period proceeding.

"§ 332. Amendment of the patent

''(a) IN GENERAL.—During a post-grant review proceeding instituted under this chapter, the patent owner may file 1 motion to amend the patent in 1 or more of the following ways:

''(1) Cancel any challenged patent claim.

''(2) For each challenged claim, propose a reasonable number of substitute claims.

''(b) ADDITIONAL MOTIONS.—Additional motions to amend may be permitted upon the joint request of the petitioner and the patent owner to materially advance the settlement of a proceeding under section 333, or upon the request of the patent owner for good cause shown.

''(c) SCOPE OF CLAIMS.—An amendment under this section may not enlarge the scope of the claims of the patent or introduce new matter.

"§ 333. Settlement

''(a) IN GENERAL.—A post-grant review proceeding instituted under this chapter shall be terminated with respect to any petitioner upon the joint request of the petitioner and the patent owner, unless the Office has decided the matter before the request for termination is filed. If the post-grant review proceeding is terminated with respect to a petitioner under this section, no estoppel under this chapter shall apply to that petitioner. If no petitioner remains in the post-grant review proceeding, the Office may terminate the post-grant review proceeding or proceed to a final written decision under section 334.

''(b) AGREEMENTS IN WRITING.—Any agreement or understanding between the patent owner and a petitioner, including any collateral agreements referred to in such agreement or understanding, made in connection with, or in contemplation of, the termination of a post-grant review proceeding under this section shall be in writing and a true copy of such agreement or understanding shall be filed in the United States Patent and Trademark Office before the termination of the post-grant review proceeding as between the parties to the agreement or understanding. If any party filing such agreement or understanding so requests, the copy shall be kept separate from the file of the post-grant review proceeding, and shall be made available only to Federal Government agencies upon written request, or to any other person on a showing of good cause.

"§ 334. Decision of the board

''If the post-grant review proceeding is instituted and not dismissed under this chapter, the Patent Trial and Appeal Board shall issue a final written decision with respect to the patentability of any patent claim challenged and any new claim added under section 332.

"§ 335. Effect of decision

''If the Patent Trial and Appeal Board issues a final decision under section 334 and the time for appeal has expired or any appeal proceeding has terminated, the Director shall issue and publish a certificate canceling any claim of the patent finally determined to be unpatentable and incorporating in the patent by operation of the certificate any new claim determined to be patentable.

"§ 336. Appeal

''A party dissatisfied with the final determination of the Patent Trial and Appeal Board in a post-grant review proceeding instituted under this chapter may appeal the determination under sections 141 through 144. Any party to the post-grant review proceeding shall have the right to be a party to the appeal.''.

(d) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part III of title 35, United States Code, is amended by adding at the end the following:

''32. Post-Grant Review Proceedings ...321''.

(e) REGULATIONS AND EFFECTIVE DATE.—

(1) REGULATIONS.—The Under Secretary of Commerce for Intellectual Property and the Director of the United States Patent and

Trademark Office (in this subsection referred to as the ''Director'') shall, not later than the date that is 1 year after the date of the enactment of this Act, issue regulations to carry out chapter 32 of title 35, United States Code, as added by subsection (c) of this section.

(2) APPLICABILITY.—The amendments made by subsection (c) shall take effect on the date that is 1 year after the date of the enactment of this Act and shall apply only to patents issued on or after that date, except that, in the case of a patent issued before the effective date of subsection (c) on an application filed between September 15, 1999 and the effective date of subsection (c), a petition for second-period review may be filed.

(3) PENDING INTERFERENCES.—The Director shall determine the procedures under which interferences commenced before the effective date under paragraph (2) are to proceed, including whether any such interference is to be dismissed without prejudice to the filing of a petition for a post-grant review proceeding under chapter 32 of title 35, United States Code, or is to proceed as if this Act had not been enacted. The Director shall include such procedures in regulations issued under paragraph (1).

SEC. 6. DEFINITION; PATENT TRIAL AND APPEAL BOARD.

(a) DEFINITION.—Section 100 of title 35, United States Code, as amended by section 2 of this Act, is further amended in subsection (e), by striking ''or inter partes reexamination under section 311''.

(b) PATENT TRIAL AND APPEAL BOARD.—Section 6 of title 35, United States Code, is amended to read as follows:

''§ 6. Patent trial and appeal board

''(a) ESTABLISHMENT AND COMPOSITION.—There shall be in the Office a Patent Trial and Appeal Board. The Director, the Deputy Director, the Commissioner for Patents, the Commissioner for Trademarks, and the administrative patent judges shall constitute the Patent Trial and Appeal Board. The administrative patent judges shall be persons of competent legal knowledge and scientific ability who are appointed by the Secretary. Any reference in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Board of Patent Appeals and Interferences is deemed to refer to the Patent Trial and Appeal Board.

''(b) DUTIES.—The Patent Trial and Appeal Board shall—

''(1) on written appeal of an applicant, review adverse decisions of examiners upon application for patents;

''(2) on written appeal of a patent owner, review adverse decisions of examiners upon patents in reexamination proceedings under chapter 30;

''(3) determine priority and patentability of invention in derivation proceedings under subsection 135(a); and

''(4) conduct post-grant review proceedings under chapter 32.

Each appeal, derivation, and post-grant review proceeding shall be heard by at least 3 members of the Patent Trial and Appeal Board, who shall be designated by the Director. Only the Patent Trial and Appeal Board may grant rehearings.''.

SEC. 7. SUBMISSIONS BY THIRD PARTIES AND OTHER QUALITY ENHANCEMENTS.

Section 122 of title 35, United States Code, is amended by adding at the end the following:

''(e) PREISSUANCE SUBMISSIONS BY THIRD PARTIES.—

''(1) IN GENERAL.—Any person may submit for consideration and inclusion in the record of a patent application, any patent, published patent application, or other publication of potential relevance to the examination of the application, if such submission is made in writing before the earlier of—

''(A) the date a notice of allowance under section 151 is mailed in the application for patent; or

''(B) either—

''(i) 6 months after the date on which the application for patent is published under section 122, or

''(ii) the date of the first rejection under section 132 of any claim by the examiner during the examination of the application for patent,

whichever occurs later.

''(2) OTHER REQUIREMENTS.—Any submission under paragraph (1) shall—

''(A) set forth a concise description of the asserted relevance of each submitted document;

''(B) be accompanied by such fee as the Director may prescribe; and

''(C) include a statement by the person making such submission affirming that the submission was made in compliance with this section.''.

SEC. 8. VENUE.

(a) VENUE FOR PATENT CASES.—Section 1400 of title 28, United States Code, is amended by striking subsection (b) and inserting the following:

''(b) Notwithstanding subsections (b) and (c) of section 1391 of this title, any civil action for patent infringement or any action for declaratory judgment arising under any Act of Congress relating to patents may be brought only in a judicial district—

''(1) where the defendant has its principal place of business or is incorporated;

''(2) where the defendant has committed acts of infringement and has a regular and established physical facility;

''(3) where the defendant has agreed or consented to be sued;

''(4) where the invention claimed in a patent in suit was conceived or actually reduced to practice;

''(5) where significant research and development of an invention claimed in a patent in suit occurred at a regular and established physical facility;

''(6) where a party has a regular and established physical facility that such party controls and operates and has—

''(A) engaged in management of significant research and development of an invention claimed in a patent in suit;

''(B) manufactured a product that embodies an invention claimed in a patent in suit; or

''(C) implemented a manufacturing process that embodies an invention claimed in a patent in suit;

''(7) where a nonprofit organization whose function is the management of inventions on behalf of an institution of higher education (as that term is defined under section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), including the patent in suit, has its principal place of business; or

''(8) for foreign defendants that do not meet the requirements of paragraphs (1) or (2), according to section 1391(d) of this title.''.

(b) TECHNICAL AMENDMENTS RELATING TO VENUE.—Sections 32, 145, 146, 154(b)(4)(A), and 293 of title 35, United States Code, and section 1071(b)(4) of an Act entitled ''Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes'', approved July 5, 1946 (commonly referred to as the ''Trademark Act of 1946'' or the ''Lanham Act'') are each amended by striking ''United States District Court for the District of Columbia'' each place that term appears and inserting ''United States District Court for the Eastern District of Virginia''.

SEC. 9. PATENT AND TRADEMARK OFFICE REGULATORY AUTHORITY.

(a) FEE SETTING.—

(1) IN GENERAL.—The Director shall have authority to set or adjust by rule any fee established or charged by the Office under sections 41 and 376 of title 35, United States Code or under section 31 of the Trademark Act of 1946 (15 U.S.C. 1113) for the filing or processing of any submission to, and for all other services performed by or materials furnished by, the Office, provided that such fee amounts are set to reasonably compensate the Office for the services performed.

(2) REDUCTION OF FEES IN CERTAIN FISCAL YEARS.—In any fiscal year, the Director—

(A) shall consult with the Patent Public Advisory Committee and the Trademark Public Advisory Committee on the advisability of reducing any fees described in paragraph (1); and

(B) after that consultation may reduce such fees.

(3) ROLE OF THE PUBLIC ADVISORY COMMITTEE.—The Director shall—

(A) submit to the Patent or Trademark Public Advisory Committee, or both, as appropriate, any proposed fee under paragraph (1) not less than 45 days before publishing any proposed fee in the Federal Register;

(B) provide the relevant advisory committee described in subparagraph (A) a 30-day period following the submission of any proposed fee, on which to deliberate, consider, and comment on such proposal, and require that—

(i) during such 30-day period, the relevant advisory committee hold a public hearing related to such proposal; and

(ii) the Director shall assist the relevant advisory committee in carrying out such public hearing, including by offering the use of Office resources to notify and promote the hearing to the public and interested stakeholders;

(C) require the relevant advisory committee to make available to the public a written report detailing the comments, advice, and recommendations of the committee regarding any proposed fee;

(D) consider and analyze any comments, advice, or recommendations received from the relevant advisory committee before setting or adjusting any fee; and

(E) notify, through the Chair and Ranking Member of the Senate and House Judiciary Committees, the Congress of any final decision regarding proposed fees.

(4) PUBLICATION IN THE FEDERAL REGISTER.—

(A) IN GENERAL.—Any rules prescribed under this subsection shall be published in the Federal Register.

(B) RATIONALE.—Any proposal for a change in fees under this section shall—

(i) be published in the Federal Register; and

(ii) include, in such publication, the specific rationale and purpose for the proposal, including the possible expectations or benefits resulting from the proposed change.

(C) PUBLIC COMMENT PERIOD.—Following the publication of any proposed fee in the Federal Register pursuant to subparagraph (A), the Director shall seek public comment for a period of not less than 45 days.

(5) CONGRESSIONAL COMMENT PERIOD.—Following the notification described in paragraph (3)(E), Congress shall have not more than 45 days to consider and comment on any proposed fee under paragraph (1). No proposed fee shall be effective prior to the end of such 45-day comment period.

(6) RULE OF CONSTRUCTION.—No rules prescribed under this subsection may diminish—

(A) an applicant's rights under this title or the Trademark Act of 1946; or

(B) any rights under a ratified treaty.

(b) FEES FOR PATENT SERVICES.—Division B of Public Law 108–447 is amended in title VIII of the Departments of Commerce, Justice and State, the Judiciary, and Related Agencies Appropriations Act, 2005, in section 801(a) by striking ''During fiscal years 2005, 2006, and 2007,'', and inserting ''Until such time as the Director sets or adjusts the fees otherwise,''.

(c) ADJUSTMENT OF TRADEMARK FEES.—Division B of Public Law 108–447 is amended in title VIII of the Departments of Commerce, Justice and State, the Judiciary and Related Agencies Appropriations Act, 2005, in section 802(a) by striking ''During fiscal years 2005, 2006, and 2007,'', and inserting ''Until such time as the Director sets or adjusts the fees otherwise,''.

(d) EFFECTIVE DATE, APPLICABILITY, AND TRANSITIONAL PROVISION.—Division B of Public Law 108–447 is amended in title VIII of the Departments of Commerce, Justice and State, the Judiciary and Related Agencies Appropriations Act, 2005, in section 803(a) by striking ''and shall apply only with respect to the remaining portion of fiscal year 2005 and fiscal year 2006.''.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect any other provision of Division B of Public Law 108–447, including section 801(c) of title VII of the Departments of Commerce, Justice and State, the Judiciary and Related Agencies Appropriations Act, 2005.

(f) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term ''Director'' means the Director of the United States Patent and Trademark Office.

(2) OFFICE.—The term ''Office'' means the United States Patent and Trademark Office.

(3) TRADEMARK ACT OF 1946.—The term ''Trademark Act of 1946'' means an Act entitled ''Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes'', approved July 5, 1946 (15 U.S.C. 1051 et seq.) (commonly referred to as the Trademark Act of 1946 or the Lanham Act).

SEC. 10. APPLICANT QUALITY SUBMISSIONS.

(a) IN GENERAL.—Chapter 11 of title 35, United States Code, is amended by adding at the end the following new section:

''§ 123. Additional information

''(a) INCENTIVES.—The Director may, by regulation, offer incentives to applicants who submit a search report, a patentability analysis, or other information relevant to patentability. Such incentives may include prosecution flexibility, modifications to requirements for adjustment of a patent term pursuant to section 154(b) of this title, or modifications to fees imposed pursuant to section 9 of the Patent Reform Act of 2008.

''(b) ADMISSIBILITY OF RECORD.—If the Director certifies that an applicant has satisfied the requirements of the regulations issued pursuant to this section with regard to a patent, the record made in a matter or proceeding before the Office involving that patent or efforts to obtain the patent shall not be admissible to construe the patent in a civil action or in a proceeding before the International Trade Commission, except that such record may be introduced to demonstrate that the patent owner is estopped from asserting that the patent is infringed under the doctrine of equivalents. The Director may, by regulation, identify any material submitted in an attempt to satisfy the requirements of any regulations issued pursuant to this section that also shall not be admissible to construe the patent in a civil action or in a proceeding before the International Trade Commission.''.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to imply that, prior to the date of enactment of this section, the Director either lacked or possessed the authority to offer incentives to applicants who submit a search report, a patentability analysis, or other information relevant to patentability.

SEC. 11. INEQUITABLE CONDUCT AND CIVIL SANCTIONS FOR MISCONDUCT BEFORE THE OFFICE.

(a) IN GENERAL.—Chapter 29 of title 35, United States Code, is amended by adding at the end the following new sections:

''§ 298. Inequitable conduct

''(a) IN GENERAL.—Except as provided under this section or section 299, a patent shall not be held invalid or unenforceable based upon misconduct before the Office. Nothing in this section shall be construed to create a cause of action or a defense in a civil action.

''(b) ORDER TO REISSUE PATENT.—

''(1) FINDING OF THE COURT.—

''(A) IN GENERAL.—If a court in a civil action, upon motion of a party to the action, finds that it is more likely than not that a person who participated in a matter or proceeding before the Office knowingly and intentionally deceived the Office by concealing material information or by submitting false material information in such matter or proceeding, the court shall order the patent to be made the subject of a reissue application under section 251. The motion shall set forth any basis upon which the moving party contends 1 or more claims of the patent are invalid in view of information relating to the conduct at issue not previously considered by the Director. The decision on a motion filed under this paragraph shall not be subject to appellate review.

''(B) MATERIAL INFORMATION.—For purposes of this paragraph, information is material if it is not part of the record or cumulative to information in the record and either establishes that a patent claim is not patentable or refutes a position that the applicant or patent owner took in response to a rejection of the claim as unpatentable.

''(2) TIMING OF MOTION.—A motion described under paragraph (1) shall be filed promptly after discovery of the conduct at issue by the moving party.

''(3) REQUIRED SPECIFICITY IN COURT ORDER.—An order issued by a court under paragraph (1) shall contain findings of fact setting out with specificity the information relating to the conduct at issue not previously considered by the Director and upon which the court based its order. The findings of fact shall not be used by a court except as provided under this paragraph.

''(4) STAYS.—A court shall not stay a civil action by reason of commencement of a reissue proceeding that was authorized to be filed under this section unless—

''(A) the Director in a notification under section 132 makes a rejection of 1 or more claims of the patent;

''(B) an allegation of infringement remains in the civil action for at least 1 of the claims rejected; and

''(C) the court determines that the interests of justice require a stay of the action.

''(5) JUDGMENT THAT PATENT IS UNENFORCEABLE.—If a patentee involved in a civil action in which an order under this subsection is issued does not seek reissue of the patent within 2 months of such order, the court shall enter judgment that the patent is unenforceable.

''(c) PERMITTED REISSUE BY PATENTEE.—A patentee may request reissue of a patent on the basis of information not previously considered by the Director in connection with a patent, or the efforts to obtain such patent, by filing an application for reissue under section 251.

''(d) REQUIRED STATEMENT, AMENDED CLAIMS.—In any application for reissue of a patent authorized to be filed under this section, the patentee shall provide a statement to the Director containing the information described in subsections (b) and (c). The reissue application may be filed with the omission of 1 or more claims of the original patent and with a single substitute claim of equivalent or narrower scope replacing any omitted claim of the original patent. For a reissue application authorized to be filed under subsection (c), the statement shall identify with specificity the issues of patentability arising from the information and the basis upon which the claims in the reissue application are believed by the applicant to be patentable notwithstanding the information.

''(e) CONDUCT OF REISSUE PROCEEDING.—

''(1) INITIAL ACTION.—The Director shall provide at least 1 of the notifications under section 132 or a notice of allowance under section 151 not later than 3 months after the filing date of an application for reissue authorized to be filed under this section.

''(2) SCOPE OF PROCEEDING.—

''(A) IN GENERAL.—A reissue proceeding authorized to be filed under this section shall, unless substitute claims are submitted, address only whether original claims continue to be patentable after consideration of the additional information provided by the applicant for reissue pursuant to subsection (d) in combination with information already of record in the original patent.

''(B) ISSUES OF PATENTABILITY.—If the Director determines during a reissue proceeding authorized to be filed under this section that 1 or more of the original claims of the patent cannot be reissued and the time for appeal of such determination has expired or any appeal proceeding related to such determination has terminated, the Director shall notify the patentee of the surrender of the patent in connection with the termination of the reissue proceeding, subject to the patentee's right to obtain a reissue for claims the Director determines to be patentable.

''(3) DURATION OF PROCEEDING.—For a reissue application authorized to be filed under subsection (b), a final decision on all issues of patentability shall be made by the Director within 1 year from the date of the initial notification under paragraph (1), subject to the right of the patentee to appeal under section 134.

''(4) TERMINATION OF PROCEEDING.—If the Director determines that all of the original claims continue to be patentable, the Director shall terminate the proceeding without the surrender of the original patent.

''(5) PROCEDURE AND APPEALS.—

''(A) IN GENERAL.—A reissue application authorized to be filed under this section may not be abandoned by the applicant or otherwise terminated without surrender of the original patent, except as provided under this section, and shall be conducted as an ex parte matter before the Office.

''(B) SPECIAL PROCEDURES.—Subject to subsection (d), no amendments other than an amendment presenting a single substitute claim of equivalent or narrower scope for each canceled claim in the first reply to the first action under section 132 may be made during the examination of a reissue application authorized to be filed under this section. The Director may amend pending claims at any time on agreement to a change proposed by the Director to the applicant. The Director may refuse to admit any paper filed after a second notification under section 132.

''(C) CONTINUING APPLICATIONS BARRED.—No application shall be entitled to the benefit of

the filing date of an application authorized to be filed under this section.

''(D) EXPANDED EXAMINATION.—The Director may consider additional information introduced by the Director if substitute claims are presented.

''(E) APPEAL.—An applicant in a reissue application authorized to be filed by this section dissatisfied with a decision by the Patent Trial and Appeal Board may appeal only under the provisions of sections 141 though 144.

''(f) LIMITATION ON ENLARGING SCOPE OF CLAIMS.—No patent may be reissued based upon the filing of a reissue application authorized to be filed under this section that enlarges the scope of the claims of the original patent.

''(g) SANCTIONS.—Except as provided under subsection (h), if a reissue proceeding authorized under this section concludes without the surrender of the original patent or with the grant of 1 or more reissued patents, no further sanctions may be imposed against the patentee in connection with the original patent or the reissued patents based upon misconduct arising from the concealment of information subsequently provided, or the misrepresentation of information subsequently corrected in the statement provided under subsection (d).

''(h) RULE OF CONSTRUCTION.—Nothing in this section shall be construed—

''(1) to preclude the imposition of sanctions based upon criminal or antitrust laws (including section 1001(a) of title 18, the first section of the Clayton Act, and section 5 of the Federal Trade Commission Act to the extent that section relates to unfair methods of competition);

''(2) to limit the authority of the Director to investigate issues of possible misconduct and impose sanctions for misconduct in connection with matters or proceedings before the Office; or

''(3) to limit the authority of the Director to promulgate regulations under chapter 3 relating to sanctions for misconduct by representatives practicing before the Office.

''§ 299. Civil sanctions for misconduct before the Office

''(a) INFORMATION RELATING TO POSSIBLE MISCONDUCT.—The Director shall provide by regulation procedures for receiving and reviewing information indicating that parties to a matter or proceeding before the Office may have engaged in misconduct in connection with such matter or proceeding.

''(b) ADMINISTRATIVE PROCEEDING.—

''(1) PROBABLE CAUSE.—The Director shall determine, based on information received and reviewed under subsection (a), if there is probable cause to believe that 1 or more individuals or parties engaged in misconduct consisting of intentionally deceptive conduct of a material nature in connection with a matter or proceeding before the Office. A determination of probable cause by the Director under this paragraph shall be final and shall not be reviewable on appeal or otherwise.

''(2) DETERMINATION.—If the Director finds probable cause under paragraph (1), the Director shall, after notice and an opportunity for a hearing, and not later than 1 year after the date of such finding, determine whether misconduct consisting of intentionally deceptive conduct of a material nature in connection with the applicable matter or proceeding before the Office has occurred. The proceeding to determine whether such misconduct occurred shall be before an individual designated by the Director.

''(3) CIVIL SANCTIONS.—

''(A) IN GENERAL.—If the Director determines under paragraph (2) that misconduct has occurred, the Director may levy a civil penalty against the party that committed such misconduct.

''(B) FACTORS.—In establishing the amount of any civil penalty to be levied under subparagraph (A), the Director shall consider—

''(i) the materiality of the misconduct;

''(ii) the impact of the misconduct on a decision of the Director regarding a patent, proceeding, or application; and

''(iii) the impact of the misconduct on the integrity of matters or proceedings before the Office.

''(C) SANCTIONS.—A civil penalty levied under subparagraph (A) may consist of—

''(i) a penalty of up to $150,000 for each act of misconduct;

''(ii) in the case of a finding of a pattern of misconduct, a penalty of up to $1,000,000; or

''(iii) in the case of a finding of exceptional misconduct establishing that an application for a patent amounted to a fraud practiced by or at the behest of a real party in interest of the application—

''(I) a determination that 1 or more claims of the patent is unenforceable; or

''(II) a penalty of up to $10,000,000.

''(D) JOINT AND SEVERAL LIABILITY.—Any party found to have been responsible for misconduct in connection with any matter or proceeding before the Office under this section may be jointly and severally liable for any civil penalty levied under subparagraph (A).

''(E) DEPOSIT WITH THE TREASURY.—Any civil penalty levied under subparagraph (A) shall—

''(i) accrue to the benefit of the United States Government; and

''(ii) be deposited under 'Miscellaneous Receipts' in the United States Treasury.

''(F) AUTHORITY TO BRING ACTION FOR RECOVERY OF PENALTIES.—

''(i) IN GENERAL.—If any party refuses to pay or remit to the United States Government a civil penalty levied under this paragraph, the United States may recover such amounts in a civil action brought by the United States Attorney General on behalf of the Director in the United States District Court for the Eastern District of Virginia.

''(ii) INJUNCTIONS.—In any action brought under clause (i), the United States District Court for the Eastern District of Virginia may, as the court determines appropriate, issue a mandatory injunction incorporating the relief sought by the Director.

''(4) COMBINED PROCEEDINGS.—If the misconduct that is the subject of a proceeding under this subsection is attributed to a practitioner who practices before the Office, the Director may combine such proceeding with any other disciplinary proceeding under section 32 of this title.

''(c) OBTAINING EVIDENCE.—

''(1) IN GENERAL.—During the period in which an investigation for a finding of probable cause or for a determination of whether misconduct occurred in connection with any matter or proceeding before the Office is being conducted, the Director may require, by subpoena issued by the Director, persons to produce any relevant information, documents, reports, answers, records, accounts, papers, and other documentary or testimonial evidence.

''(2) ADDITIONAL AUTHORITY.—For the purposes of carrying out this section, the Director—

''(A) shall have access to, and the right to copy, any document, paper, or record, the Director determines pertinent to any investigation or determination under this section, in the possession of any person;

''(B) may summon witnesses, take testimony, and administer oaths;

''(C) may require any person to produce books or papers relating to any matter pertaining to such investigation or determination; and

''(D) may require any person to furnish in writing, in such detail and in such form as the Director may prescribe, information in their possession pertaining to such investigation or determination.

''(3) WITNESSES AND EVIDENCE.—

''(A) IN GENERAL.—The Director may require the attendance of any witness and the production of any documentary evidence from any place in the United States at any designated place of hearing.

''(B) CONTUMACY.—

''(i) ORDERS OF THE COURT.—In the case of contumacy or failure to obey a subpoena issued under this subsection, any appropriate United States district court or territorial court of the United States may issue an order requiring such person—

''(I) to appear before the Director;

''(II) to appear at any other designated place to testify; and

''(III) to produce documentary or other evidence.

''(ii) FAILURE TO OBEY.—Any failure to obey an order issued under this subparagraph court may be punished by the court as a contempt of that court.

''(4) DEPOSITIONS.—

''(A) IN GENERAL.—In any proceeding or investigation under this section, the Director may order a person to give testimony by deposition.

''(B) REQUIREMENTS OF DEPOSITION.—

''(i) OATH.—A deposition may be taken before an individual designated by the Director and having the power to administer oaths.

''(ii) NOTICE.—Before taking a deposition, the Director shall give reasonable notice in writing to the person ordered to give testimony by deposition under this paragraph. The notice shall state the name of the witness and the time and place of taking the deposition.

''(iii) WRITTEN TRANSCRIPT.—The testimony of a person deposed under this paragraph shall be under oath. The person taking the deposition shall prepare, or cause to be prepared, a written transcript of the testimony taken. The transcript shall be subscribed by the deponent. Each deposition shall be filed promptly with the Director.

''(d) APPEAL.—

''(1) IN GENERAL.—A party may appeal a determination under subsection (b)(2) that misconduct occurred in connection with any matter or proceeding before the Office to the United States Court of Appeals for the Federal Circuit.

''(2) NOTICE TO USPTO.—A party appealing under this subsection shall file in the Office a written notice of appeal directed to the Director, within such time after the date of the determination from which the appeal is taken as the Director prescribes, but in no case less than 60 days after such date.

''(3) REQUIRED ACTIONS OF THE DIRECTOR.—In any appeal under this subsection, the Director shall transmit to the United States Court of Appeals for the Federal Circuit a certified list of the documents comprising the record in the determination proceeding. The court may request that the Director forward the original or certified copies of such documents during the pendency of the appeal. The court shall, before hearing the appeal, give notice of the time and place of the hearing to the Director and the parties in the appeal.

''(4) AUTHORITY OF THE COURT.—The United States Court of Appeals for the Federal Circuit shall have power to enter, upon the pleadings and evidence of record at the time the determination was made, a judgment affirming, modifying, or setting aside, in whole or in part, the determination, with or without remanding the case for a rehearing. The

court shall not set aside or remand the determination made under subsection (b)(2) unless there is not substantial evidence on the record to support the findings or the determination is not in accordance with law. Any sanction levied under subsection (b)(3) shall not be set aside or remanded by the court, unless the court determines that such sanction constitutes an abuse of discretion of the Director.

''(e) DEFINITION.—For purposes of this section, the term 'person' means any individual, partnership, corporation, company, association, firm, partnership, society, trust, estate, cooperative, association, or any other entity capable of suing and being sued in a court of law.''.

(b) SUSPENSION OR EXCLUSION FROM PRACTICE.—Section 32 of title 35, United States Code, is amended—

(1) by striking ''The Director may'' and inserting the following:

''(a) IN GENERAL.—The Director may''; and

(2) by adding at the end the following:

''(b) TOLLING OF TIME PERIOD.—The time period for instituting a proceeding under subsection (a), as provided in section 2462 of title 28, shall not begin to run where fraud, concealment, or misconduct is involved until the information regarding fraud, concealment, or misconduct is made known in the manner set forth by regulation under section 2(b)(2)(D) to an officer or employee of the United States Patent and Trademark Office designated by the Director to receive such information.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided under paragraph (2), the amendments made by this section shall take effect on the date of enactment of this Act.

(2) INAPPLICABILITY TO PENDING LITIGATION.—Subsections (a) and (b) of section 298 of title 35, United States Code (as added by the amendment made by subsection (a) of this section), shall apply to any civil action filed on or after the date of the enactment of this Act.

SEC. 12. AUTHORITY OF THE DIRECTOR OF THE PATENT AND TRADEMARK OFFICE TO ACCEPT LATE FILINGS.

(a) AUTHORITY.—Section 2 of title 35, United States Code, is amended by adding at the end the following:

''(e) DISCRETION TO ACCEPT LATE FILINGS IN CERTAIN CASES OF UNINTENTIONAL DELAY.—

''(1) IN GENERAL.—The Director may accept any application or other filing made by—

''(A) an applicant for, or owner of, a patent after the applicable deadline set forth in this title with respect to the application or patent; or

''(B) an applicant for, or owner of, a mark after the applicable deadline under the Trademark Act of 1946 with respect to the registration or other filing of the mark,

to the extent that the Director considers appropriate, if the applicant or owner files a petition within 30 days after such deadline showing, to the satisfaction of the Director, that the delay was unintentional.

''(2) TREATMENT OF DIRECTOR'S ACTIONS ON PETITION.—If the Director has not made a determination on a petition filed under paragraph (1) within 60 days after the date on which the petition is filed, the petition shall be deemed to be denied. A decision by the Director not to exercise, or a failure to exercise, the discretion provided by this subsection shall not be subject to judicial review.

''(3) OTHER PROVISIONS NOT AFFECTED.—This subsection shall not apply to any other provision of this title, or to any provision of the Trademark Act of 1946, that authorizes the Director to accept, under certain circumstances, applications or other filings made after a statutory deadline or to statutory deadlines that are required by reason of the obligations of the United States under any treaty.

''(4) DEFINITION.—In this subsection, the term 'Trademark Act of 1946' means the Act entitled 'An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes', approved July 5, 1946 (15 U.S.C. 1051 et seq.) (commonly referred to as the Trademark Act of 1946 or the Lanham Act).''.

(b) APPLICABILITY.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to any application or other filing that—

(A) is filed on or after the date of the enactment of this Act; or

(B) on such date of enactment, is pending before the Director or is subject to judicial review.

(2) TREATMENT OF PENDING APPLICATIONS AND FILINGS.—In the case of any application or filing described in paragraph (1)(B), the 30-day period prescribed in section 2(e)(1) of title 35, United States Code, as added by subsection (a) of this section, shall be deemed to be the 30-day period beginning on the date of the enactment of this Act.

(c) CONVERSION OF DAY-BASED DEADLINES INTO MONTH-BASED DEADLINES.—

(1) Sections 141, 156(d)(2)(A), 156(d)(2)(B)(ii), 156(d)(5)(C), and 282 of title 35, United States Code, are each amended by striking ''30 days'' or ''thirty days'' each place that term appears and inserting ''1 month''.

(2) Sections 135(c), 142, 145, 146, 156(d)(2)(B)(ii), 156(d)(5)(C), and the matter preceding clause (i) of section 156(d)(2)(A) of title 35, United States Code, are each amended by striking ''60 days'' or ''sixty days'' each place that term appears and inserting ''2 months''.

(3) The matter preceding subparagraph (A) of section 156(d)(1) and sections 156(d)(2)(B)(ii) and 156(d)(5)(E) of title 35, United States Code, are each amended by striking ''60-day'' or ''sixty-day'' each place that term appears and inserting ''2-month''.

(4) Sections 155 and 156(d)(2)(B)(i) of title 35, United States Code, are each amended by striking ''90 days'' or ''ninety days'' each place that term appears and inserting ''3 months''.

(5) Sections 154(b)(4)(A) and 156(d)(2)(B)(i) of title 35, United States Code, are each amended by striking ''180 days'' each place that term appears and inserting ''6 months''.

SEC. 13. LIMITATION ON DAMAGES AND OTHER REMEDIES WITH RESPECT TO PATENTS FOR METHODS IN COMPLIANCE WITH CHECK IMAGING METHODS.

(a) LIMITATION.—Section 287 of title 35, United States Code, is amended by adding at the end the following:

''(d)(1) With respect to the use by a financial institution of a check collection system that constitutes an infringement under subsection (a) or (b) of section 271, the provisions of sections 281, 283, 284, and 285 shall not apply against the financial institution with respect to such a check collection system.

''(2) For the purposes of this subsection—

''(A) the term 'check' has the meaning given under section 3(6) of the Check Clearing for the 21st Century Act (12 U.S.C. 5002(6));

''(B) the term 'check collection system' means the use, creation, transmission, receipt, storing, settling, or archiving of truncated checks, substitute checks, check images, or electronic check data associated with or related to any method, system, or process that furthers or effectuates, in whole or in part, any of the purposes of the Check Clearing for the 21st Century Act (12 U.S.C. 5001 et seq.);

''(C) the term 'financial institution' has the meaning given under section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809);

''(D) the term 'substitute check' has the meaning given under section 3(16) of the Check Clearing for the 21st Century Act (12 U.S.C. 5002(16)); and

''(E) the term 'truncate' has the meaning given under section 3(18) of the Check Clearing for the 21st Century Act (12 U.S.C. 5002(18)).

''(3) This subsection shall not limit or affect the enforcement rights of the original owner of a patent where such original owner—

''(A) is directly engaged in the commercial manufacture and distribution of machinery or the commercial development of software; and

''(B) has operated as a subsidiary of a bank holding company, as such term is defined under section 2(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(a)), prior to July 19, 2007.

''(4) A party shall not manipulate its activities, or conspire with others to manipulate its activities, for purposes of establishing compliance with the requirements of this subsection, including, without limitation, by granting or conveying any rights in the patent, enforcement of the patent, or the result of any such enforcement.''.

(b) TAKINGS.—If this section is found to establish a taking of private property for public use without just compensation, this section shall be null and void. The exclusive remedy for such a finding shall be invalidation of this section. In the event of such invalidation, for purposes of application of the time limitation on damages in section 286 of title 35, United States Code, any action for patent infringement or counterclaim for infringement that could have been filed or continued but for this section, shall be considered to have been filed on the date of enactment of this Act or continued from such date of enactment.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to any civil action for patent infringement pending or filed on or after the date of enactment of this Act.

SEC. 14. PATENT AND TRADEMARK OFFICE FUNDING.

(a) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term ''Director'' means the Director of the United States Patent and Trademark Office.

(2) FUND.—The term ''Fund'' means the public enterprise revolving fund established under subsection (c).

(3) OFFICE.—The term ''Office'' means the United States Patent and Trademark Office.

(4) TRADEMARK ACT OF 1946.—The term ''Trademark Act of 1946'' means an Act entitled ''Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes'', approved July 5, 1946 (15 U.S.C. 1051 et seq.) (commonly referred to as the ''Trademark Act of 1946'' or the ''Lanham Act'').

(5) UNDERSECRETARY.—The term ''Undersecretary'' means the Under Secretary of Commerce for Intellectual Property.

(b) FUNDING.—

(1) IN GENERAL.—Section 42 of title 35, United States Code, is amended—

(A) in subsection (b), by striking ''Patent and Trademark Office Appropriation Account'' and inserting ''United States Patent and Trademark Office Public Enterprise Fund''; and

(B) in subsection (c), in the first sentence—

(i) by striking ''To the extent'' and all that follows through ''fees'' and inserting ''Fees''; and

(ii) by striking ''shall be collected by and shall be available to the Director'' and inserting ''shall be collected by the Director and shall be available until expended''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the later of—

(A) October 1, 2008; or

(B) the date of enactment of this Act.

(c) USPTO REVOLVING FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a revolving fund to be known as the ''United States Patent and Trademark Office Public Enterprise Fund''. Any amounts in the Fund shall be available for use by the Director without fiscal year limitation.

(2) DERIVATION OF RESOURCES.—There shall be deposited into the Fund—

(A) any fees collected under sections 41, 42, and 376 of title 35, United States Code, provided that notwithstanding any other provision of law, if such fees are collected by, and payable to, the Director, the Director shall transfer such amounts to the Fund; and

(B) any fees collected under section 31 of the Trademark Act of 1946 (15 U.S.C. 1113).

(3) EXPENSES.—Amounts deposited into the Fund under paragraph (2) shall be available, without fiscal year limitation, to cover—

(A) all expenses to the extent consistent with the limitation on the use of fees set forth in section 42(c) of title 35, United States Code, including all administrative and operating expenses, determined in the discretion of the Under Secretary to be ordinary and reasonable, incurred by the Under Secretary and the Director for the continued operation of all services, programs, activities, and duties of the Office, as such services, programs, activities, and duties are described under—

(i) title 35, United States Code; and

(ii) the Trademark Act of 1946; and

(B) all expenses incurred pursuant to any obligation, representation, or other commitment of the Office.

(4) CUSTODIANS OF MONEY.—Notwithstanding section 3302 of title 31, United States Code, any funds received by the Director and transferred to Fund, or any amounts directly deposited into the Fund, may be used—

(A) to cover the expenses described in paragraph (3); and

(B) to purchase obligations of the United States, or any obligations guaranteed by the United States.

(d) ANNUAL REPORT.—Not later than 60 days after the end of each fiscal year, the Under Secretary and the Director shall submit a report to Congress which shall—

(1) summarize the operations of the Office for the preceding fiscal year, including financial details and staff levels broken down by each major activity of the Office;

(2) detail the operating plan of the Office, including specific expense and staff needs for the upcoming fiscal year;

(3) describe the long term modernization plans of the Office;

(4) set forth details of any progress towards such modernization plans made in the previous fiscal year; and

(5) include the results of the most recent audit carried out under subsection (e).

(e) ANNUAL SPENDING PLAN.—

(1) IN GENERAL.—Not later than 30 days after the beginning of each fiscal year, the Director shall notify the Committees on Appropriations of both Houses of Congress of the plan for the obligation and expenditure of the total amount of the funds for that fiscal year in accordance with section 605 of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109–108; 119 Stat. 2334).

(2) CONTENTS.—Each plan under paragraph (1) shall—

(A) summarize the operations of the Office for the current fiscal year, including financial details and staff levels with respect to major activities; and

(B) detail the operating plan of the Office, including specific expense and staff needs, for the current fiscal year.

(f) AUDIT.—The Under Secretary shall, on an annual basis, provide for an independent audit of the financial statements of the Office. Such audit shall be conducted in accordance with generally acceptable accounting procedures.

(g) BUDGET.—In accordance with section 9103 of title 31, United States Code, the Fund shall prepare and submit each year to the President a business-type budget in a way, and before a date, the President prescribes by regulation for the budget program.

SEC. 15. TECHNICAL AMENDMENTS.

(a) JOINT INVENTIONS.—Section 116 of title 35, United States Code, is amended—

(1) in the first paragraph, by striking ''When'' and inserting ''(a) JOINT INVENTIONS.—When'';

(2) in the second paragraph, by striking ''If a joint inventor'' and inserting ''(b) OMITTED INVENTOR.—If a joint inventor''; and

(3) in the third paragraph—

(A) by striking ''Whenever'' and inserting ''(c) CORRECTION OF ERRORS IN APPLICATION.—Whenever''; and

(B) by striking ''and such error arose without any deceptive intent on his part,''.

(b) FILING OF APPLICATION IN FOREIGN COUNTRY.—Section 184 of title 35, United States Code, is amended—

(1) in the first paragraph—

(A) by striking ''Except when'' and inserting ''(a) FILING IN FOREIGN COUNTRY.—Except when''; and

(B) by striking ''and without deceptive intent'';

(2) in the second paragraph, by striking ''The term'' and inserting ''(b) APPLICATION.—The term''; and

(3) in the third paragraph, by striking ''The scope'' and inserting ''(c) SUBSEQUENT MODIFICATIONS, AMENDMENTS, AND SUPPLEMENTS.—The scope''.

(c) FILING WITHOUT A LICENSE.—Section 185 of title 35, United States Code, is amended by striking ''and without deceptive intent''.

(d) REISSUE OF DEFECTIVE PATENTS.—Section 251 of title 35, United States Code, is amended—

(1) in the first paragraph—

(A) by striking ''Whenever'' and inserting ''(a) IN GENERAL.—Whenever reissue of any patent is authorized under section 298 or''; and

(B) by striking ''without deceptive intention'';

(2) in the second paragraph, by striking ''The Director'' and inserting ''(b) MULTIPLE REISSUED PATENTS.—The Director'';

(3) in the third paragraph, by striking ''The provision'' and inserting ''(c) APPLICABILITY OF THIS TITLE.—The provisions''; and

(4) in the last paragraph, by striking ''No reissued patent'' and inserting ''(d) REISSUE PATENT ENLARGING SCOPE OF CLAIMS.—No reissued patent''.

(e) EFFECT OF REISSUE.—Section 253 of title 35, United States Code, is amended—

(1) in the first paragraph, by striking ''Whenever, without deceptive intention'' and inserting ''(a) IN GENERAL.—Whenever''; and

(2) in the second paragraph, by striking ''in like manner'' and inserting ''(b) ADDITIONAL DISCLAIMER OR DEDICATION.—In the manner set forth in subsection (a),''.

(f) CORRECTION OF NAMED INVENTOR.—Section 256 of title 35, United States Code, is amended—

(1) in the first paragraph, by striking ''Whenever'' and inserting ''(a) CORRECTION.—Whenever''; and

(2) in the second paragraph, by striking ''The error'' and inserting ''(b) PATENT VALID IF ERROR CORRECTED.—The error''.

(g) PRESUMPTION OF VALIDITY.—Section 282 of title 35, United States Code, is amended—

(1) in the first undesignated paragraph, by striking ''A patent'' and inserting ''(a) IN GENERAL.—A patent'';

(2) in the second undesignated paragraph, by striking ''The following'' and inserting ''(b) DEFENSES.—The following''; and

(3) in the third undesignated paragraph, by striking ''In actions'' and inserting ''(c) NOTICE OF ACTIONS; ACTIONS DURING EXTENSION OF PATENT TERM.—In actions''.

(h) ACTION FOR INFRINGEMENT.—Section 288 of title 35, United States Code, is amended by striking '', without any deceptive intention,''.

SEC. 16. EFFECTIVE DATE; RULE OF CONSTRUCTION.

(a) EFFECTIVE DATE.—Except as otherwise provided in this Act, the provisions of this Act shall take effect 12 months after the date of the enactment of this Act and shall apply to any patent issued on or after that effective date.

(b) SPECIAL PROVISIONS RELATING TO DETERMINATIONS OF VALIDITY AND PATENTABILITY.—

(1) IN GENERAL.—The amendments made by section 2 shall apply to any application for a patent and any patent issued pursuant to such an application that at any time—

(A) contained a claim to a claimed invention that has an effective filing date, as such date is defined under section 100(h) of title 35, United States Code, 1 year or more after the date of the enactment of this Act;

(B) asserted a claim to a right of priority under section 119, 365(a), or 365(b) of title 35, United States Code, to any application that was filed 1 year or more after the date of the enactment of this Act; or

(C) made a specific reference under section 120, 121, or 365(c) of title 35, United States Code, to any application to which the amendments made by section 2 otherwise apply under this subsection.

(2) PATENTABILITY.—For any application for patent and any patent issued pursuant to such an application to which the amendments made by section 2 apply, no claim asserted in such application shall be patentable or valid unless such claim meets the conditions of patentability specified in section 102(g) of title 35, United States Code, as such conditions were in effect on the day prior to the date of enactment of this Act, if the application at any time—

(A) contained a claim to a claimed invention that has an effective filing date as defined in section 100(h) of title 35, United States Code, earlier than 1 year after the date of the enactment of this Act;

(B) asserted a claim to a right of priority under section 119, 365(a), or 365(b) of title 35, United States Code, to any application that was filed earlier than 1 year after the date of the enactment of this Act; or

(C) made a specific reference under section 120, 121, or 365(c) of title 35, United States Code, with respect to which the requirements of section 102(g) applied.

(3) VALIDITY OF PATENTS.—For the purpose of determining the validity of a claim in any patent or the patentability of any claim in a nonprovisional application for patent that is made before the effective date of the amendments made by sections 2 and 3, other than in an action brought in a court before the date of the enactment of this Act—

(A) the provisions of subsections (c), (d), and (f) of section 102 of title 35, United States Code, that were in effect on the day

prior to the date of enactment of this Act shall be deemed to be repealed;

(B) the amendments made by section 3 of this Act shall apply, except that a claim in a patent that is otherwise valid under the provisions of section 102(f) of title 35, United States Code, as such provision was in effect on the day prior to the date of enactment of this Act, shall not be invalidated by reason of this paragraph; and

(C) the term ''in public use or on sale'' as used in section 102(b) of title 35, United States Code, as such section was in effect on the day prior to the date of enactment of this Act shall be deemed to exclude the use, sale, or offer for sale of any subject matter that had not become available to the public.

(4) CONTINUITY OF INTENT UNDER THE CREATE ACT.—The enactment of section 102(b)(3) of title 35, United States Code, under section (2)(b) of this Act is done with the same intent to promote joint research activities that was expressed, including in the legislative history, through the enactment of the Cooperative Research and Technology Enhancement Act of 2004 (Public Law 108–453; the ''CREATE Act''), the amendments of which are stricken by section 2(c) of this Act. The United States Patent and Trademark Office shall administer section 102(b)(3) of title 35, United States Code, in a manner consistent with the legislative history of the CREATE Act that was relevant to its administration by the United States Patent and Trademark Office.

By Mr. KYL (for himself and Mr. LEAHY):

S. 3601. A bill to authorize funding for the National Crime Victim Law Institute to provide support for victims of crime under Crime Victims Legal Assistance Programs as a part of the Victims of Crime Act of 1984; to the Committee on the Judiciary.

Mr. KYL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3601

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REAUTHORIZATION.

Section 103(b) of the Justice for All Act of 2004 (Public Law 108-405; 118 Stat. 2264) is amended in paragraphs (1) through (5) by striking ''2006, 2007, 2008, and 2009'' each place it appears and inserting ''2010, 2011, 2012, and 2013''.

By Mr. KYL:

S. 3602. A bill to authorize funding for the National Crime Victim Law Institute to provide support for victims of crime under Crime Victims Legal Assistance Programs as a part of the Victims of Crime Act of 1984; to the Committee on the Judiciary.

Mr. KYL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3602

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REAUTHORIZATION.

Section 103(b) of the Justice for All Act of 2004 (Public Law 108–405; 118 Stat. 2264) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) $5,000,000 for each of fiscal years 2010, 2011, 2012, 2013, and 2014 to the Office for Victims of Crime of the Department of Justice for United States Attorneys Offices for Victim/Witnesses Assistance Programs only for victim advocates and their administrative support to provide direct services to victims of crimes;''; and

(2) by striking paragraphs (3) and (4) and inserting the following:

''(3) $500,000 for each of the fiscal years 2010, 2011, 2012, 2013, and 2014 to the Office for Victims of Crime of the Department of Justice for staff to administer the appropriation for the support of organizations as designated under paragraph (4);

''(4) $11,000,000 for each of the fiscal years 2010, 2011, 2012, 2013, and 2014, to the Office for Victims of Crime of the Department of Justice, for the National Crime Victim Law Institute to provide legal counsel and support services for victims in criminal cases for the enforcement of crime victims' rights in Federal jurisdictions, and in States and tribal governments that have laws substantially equivalent to the provisions of chapter 237 of title 18, United States Code; and''.

By Mr. REID (for himself and Mr. ENSIGN):

S. 3603. A bill to promote conservation and provide sensible development in Carson City, Nevada, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, I rise today to reintroduce the Carson City Vital Community Act of 2008 for myself and Senator ENSIGN. We originally introduced this bill on July 31, 2008. Since then we have sought and received important feedback on the legislation. Carson City, numerous citizens, our federal land agencies, and committee staff have all brought important ideas to the table. We are reintroducing this legislation today so that anyone who has an interest in this legislation can see how the bill has improved as result of the input we have received.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3603

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Carson City Vital Community Act of 2008''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—PUBLIC CONVEYANCES

Sec. 101. Conveyances of Federal land and City land.
Sec. 102. Transfer of administrative jurisdiction from the Forest Service to the Bureau of Land Management.

TITLE II—LAND DISPOSAL

Sec. 201. Disposal of Carson City land.
Sec. 202. Disposition of proceeds.
Sec. 203. Urban interface.
Sec. 204. Availability of funds.

TITLE III—TRANSFER OF LAND TO BE HELD IN TRUST FOR THE WASHOE TRIBE, SKUNK HARBOR CONVEYANCE CORRECTION, FOREST SERVICE AGREEMENT, AND ARTIFACT COLLECTION

Sec. 301. Transfer of land to be held in trust for Washoe Tribe.
Sec. 302. Correction of Skunk Harbor conveyance.
Sec. 303. Agreement with Forest Service.
Sec. 304. Artifact collection.

TITLE IV—AUTHORIZATION OF APPROPRIATIONS

Sec. 401. Authorization of appropriations.

SEC. 2. DEFINITIONS.

In this Act:

(1) CITY.—The term ''City'' means Carson City Consolidated Municipality, Nevada.

(2) MAP.—The term ''Map'' means the map entitled ''Carson City, Nevada Area'', dated September 12, 2008, and on file and available for public inspection in the appropriate offices of—

(A) the Bureau of Land Management;

(B) the Forest Service; and

(C) the City.

(3) SECRETARY.—The term ''Secretary'' means—

(A) with respect to land in the National Forest System, the Secretary of Agriculture, acting through the Chief of the Forest Service; and

(B) with respect to other Federal land, the Secretary of the Interior.

(4) SECRETARIES.—The term ''Secretaries'' means the Secretary of Agriculture and the Secretary of the Interior, acting jointly.

(5) TRIBE.—The term ''Tribe'' means the Washoe Tribe of Nevada and California, which is a federally recognized Indian tribe.

TITLE I—PUBLIC CONVEYANCES

SEC. 101. CONVEYANCES OF FEDERAL LAND AND CITY LAND.

(a) IN GENERAL.—Notwithstanding section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), if the City offers to convey to the United States title to the non-Federal land described in subsection (b)(1) that is acceptable to the Secretary of Agriculture—

(1) the Secretary shall accept the offer; and

(2) not later than 180 days after the date on which the Secretary receive acceptable title to the non-Federal land described in subsection (b)(1), the Secretaries shall convey to the City, subject to valid existing rights and for no consideration, except as provided in subsection (c)(1), all right, title, and interest of the United States in and to the Federal land (other than any easement reserved under subsection (c)(2)) or interest in land described in subsection (b)(2).

(b) DESCRIPTION OF LAND.—

(1) NON-FEDERAL LAND.—The non-Federal land referred to in subsection (a) is the approximately 2,264 acres of land administered by the City and identified on the Map as ''To U.S. Forest Service''.

(2) FEDERAL LAND.—The Federal land referred to in subsection (a)(2) is—

(A) the approximately 935 acres of Forest Service land identified on the Map as ''To Carson City for Natural Areas'';

(B) the approximately 3,604 acres of Bureau of Land Management land identified on the Map as ''Silver Saddle Ranch and Carson River Area'';

(C) the approximately 1,862 acres of Bureau of Land Management land identified on the Map as ''To Carson City for Parks and Public Purposes''; and

(D) the approximately 75 acres of City land in which the Bureau of Land Management has a reversionary interest that is identified on the Map as ''Reversionary Interest of the United States Released''.

(c) CONDITIONS.—

(1) CONSIDERATION.—Before the conveyance of the 62–acre Bernhard parcel to the City, the City shall deposit in the special account established by section 202(b)(1) an amount equal to 25 percent of the difference between—

(A) the amount for which the Bernhard parcel was purchased by the City on July 18, 2001; and

(B) the amount for which the Bernhard parcel was purchased by the Secretary on March 24, 2006.

(2) CONSERVATION EASEMENT.—As a condition of the conveyance of the land described in subsection (b)(2)(B), the Secretary, in consultation with Carson City and affected local interests, shall reserve a perpetual conservation easement to the land to protect, preserve, and enhance the conservation values of the land, consistent with subsection (d)(2).

(3) COSTS.—Any costs relating to the conveyance under subsection (a), including any costs for surveys and other administrative costs, shall be paid by the recipient of the land being conveyed.

(d) USE OF LAND.—

(1) NATURAL AREAS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the land described in subsection (b)(2)(A) shall be managed by the City to maintain undeveloped open space and to preserve the natural characteristics of the land in perpetuity.

(B) EXCEPTION.—Notwithstanding subparagraph (A), the City may—

(i) conduct projects on the land to reduce fuels;

(ii) construct and maintain trails, trailhead facilities, and any infrastructure on the land that is required for municipal water and flood management activities; and

(iii) maintain or reconstruct any improvements on the land that are in existence on the date of enactment of this Act.

(2) SILVER SADDLE RANCH AND CARSON RIVER AREA.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the land described in subsection (b)(2)(B) shall—

(i) be managed by the City to protect and enhance the Carson River, the floodplain and surrounding upland, and important wildlife habitat; and

(ii) be used for undeveloped open space, passive recreation, customary agricultural practices, and wildlife protection.

(B) EXCEPTION.—Notwithstanding subparagraph (A), the City may—

(i) construct and maintain trails and trailhead facilities on the land;

(ii) conduct projects on the land to reduce fuels;

(iii) maintain or reconstruct any improvements on the land that are in existence on the date of enactment of this Act; and

(iv) allow the use of motorized vehicles on designated roads, trails, and areas in the south end of Prison Hill.

(3) PARKS AND PUBLIC PURPOSES.—The land described in subsection (b)(2)(C) shall be managed by the City for—

(A) undeveloped open space; and

(B) recreation or other public purposes consistent with the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869 et seq.).

(4) REVERSIONARY INTEREST.—

(A) RELEASE.—The reversionary interest described in subsection (b)(2)(D) shall terminate on the date of enactment of this Act.

(B) CONVEYANCE BY CITY.—

(i) IN GENERAL.—If the City sells, leases, or otherwise conveys any portion of the land described in subsection (b)(2)(D), the sale, lease, or conveyance of land shall be—

(I) through a competitive bidding process; and

(II) except as provided in clause (ii), for not less than fair market value.

(ii) CONVEYANCE TO GOVERNMENT OR NONPROFIT.—A sale, lease, or conveyance of land described in subsection (b)(2)(D) to the Federal Government, a State government, a unit of local government, or a nonprofit organization shall be for consideration in an amount equal to the price established by the Secretary of the Interior under section 2741 of title 43, Code of Federal Regulation (or successor regulations).

(iii) DISPOSITION OF PROCEEDS.—The gross proceeds from the sale, lease, or conveyance of land under clause (i) shall be distributed in accordance with section 202(a).

(e) REVERSION.—If land conveyed under subsection (a) is used in a manner that is inconsistent with the uses described in paragraph (1), (2), (3), or (4) of subsection (d), the land shall, at the discretion of the Secretary, revert to the United States.

(f) MISCELLANEOUS PROVISIONS.—

(1) IN GENERAL.—On conveyance of the non-Federal land under subsection (a) to the Secretary of Agriculture, the non-Federal land shall—

(A) become part of the Humboldt-Toiyabe National Forest; and

(B) be administered in accordance with the laws (including the regulations) and rules generally applicable to the National Forest System.

(2) MANAGEMENT PLAN.—The Secretary of Agriculture, in consultation with the City and other interested parties, may develop and implement a management plan for National Forest System land that ensures the protection and stabilization of the National Forest System land to minimize the impacts of flooding on the City.

(g) CONVEYANCE TO BUREAU OF LAND MANAGEMENT.—

(1) IN GENERAL.—If the City offers to convey to the United States title to the non-Federal land described in paragraph (2) that is acceptable to the Secretary of the Interior, the land shall, at the discretion of the Secretary, be conveyed to the United States.

(2) DESCRIPTION OF LAND.—The non-Federal land referred to in paragraph (1) is the approximately 136 acres of land administered by the City and identified on the Map as ''To Bureau of Land Management''.

(3) COSTS.—Any costs relating to the conveyance under paragraph (1), including any costs for surveys and other administrative costs, shall be paid by the Secretary of the Interior.

SEC. 102. TRANSFER OF ADMINISTRATIVE JURISDICTION FROM THE FOREST SERVICE TO THE BUREAU OF LAND MANAGEMENT.

(a) IN GENERAL.—Administrative jurisdiction over the approximately 50 acres of Forest Service land identified on the Map as ''Parcel #1'' is transferred, from the Secretary of Agriculture to the Secretary of the Interior.

(b) COSTS.—Any costs relating to the transfer under subsection (a), including any costs for surveys and other administrative costs, shall be paid by the Secretary of the Interior.

(c) USE OF LAND.—

(1) RIGHT-OF-WAY.—Not later than 120 days after the date of enactment of this Act, the Secretary of the Interior shall grant to the City a right-of-way for the maintenance of flood management facilities located on the land.

(2) DISPOSAL.—The land referred to in subsection (a) shall be disposed of in accordance with section 201.

(3) DISPOSITION OF PROCEEDS.—The gross proceeds from the disposal of land under paragraph (2) shall be distributed in accordance with section 202(a).

TITLE II—LAND DISPOSAL

SEC. 201. DISPOSAL OF CARSON CITY LAND.

(a) IN GENERAL.—Notwithstanding sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary of the Interior shall, in accordance with that Act, this title, and other applicable law, and subject to valid existing rights, conduct sales of the Federal land described in subsection (b) to qualified bidders.

(b) DESCRIPTION OF LAND.—The Federal land referred to in subsection (a) is—

(1) the approximately 108 acres of Bureau of Land Management land identified as ''Lands for Disposal'' on the Map; and

(2) the approximately 50 acres of land identified as ''Parcel #1'' on the Map.

(c) COMPLIANCE WITH LOCAL PLANNING AND ZONING LAWS.—Before a sale of Federal land under subsection (a), the City shall submit to the Secretary a certification that qualified bidders have agreed to comply with—

(1) City zoning ordinances; and

(2) any master plan for the area approved by the City.

(d) METHOD OF SALE; CONSIDERATION.—The sale of Federal land under subsection (a) shall be—

(1) consistent with subsections (d) and (f) of section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713);

(2) unless otherwise determined by the Secretary, through a competitive bidding process; and

(3) for not less than fair market value.

(e) WITHDRAWAL.—

(1) IN GENERAL.—Subject to valid existing rights and except as provided in paragraph (2), the Federal land described in subsection (b) is withdrawn from—

(A) all forms of entry and appropriation under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) operation of the mineral leasing and geothermal leasing laws.

(2) EXCEPTION.—Paragraph (1)(A) shall not apply to sales made consistent with this section.

(f) DEADLINE FOR SALE.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 1 year after the date of enactment of this Act, if there is a qualified bidder for the land described in paragraphs (1) and (2) of subsection (b), the Secretary of the Interior shall offer the land for sale to the qualified bidder.

(2) POSTPONEMENT; EXCLUSION FROM SALE.—

(A) REQUEST BY CARSON CITY FOR POSTPONEMENT OR EXCLUSION.—At the request of the City, the Secretary shall postpone or exclude from the sale under paragraph (1) all or a portion of the land described in paragraphs (1) and (2) of subsection (b).

(B) INDEFINITE POSTPONEMENT.—Unless specifically requested by the City, a postponement under subparagraph (A) shall not be indefinite.

SEC. 202. DISPOSITION OF PROCEEDS.

(a) IN GENERAL.—Of the proceeds from the sale of land under sections 101(d)(4)(B) and 201(a)—

(1) 5 percent shall be paid directly to the State for use in the general education program of the State; and

(2) the remainder shall be deposited in a special account in the Treasury of the United States, to be known as the ''Carson City Special Account'', and shall be available without further appropriation to the Secretary until expended to—

(A) reimburse costs incurred by the Bureau of Land Management for preparing for the sale of the Federal land described in section 201(b), including the costs of—

(i) surveys and appraisals; and

(ii) compliance with—

(I) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(II) sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713);

(B) reimburse costs incurred by the Bureau of Land Management and Forest Service for preparing for, and carrying out, the transfers of land to be held in trust by the United States under section 301; and

(C) acquire environmentally sensitive land or an interest in environmentally sensitive land in the City.

(b) SILVER SADDLE ENDOWMENT ACCOUNT.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a special account, to be known as the ''Silver Saddle Endowment Account'', consisting of such amounts as are deposited under section 101(c)(1).

(2) AVAILABILITY OF AMOUNTS.—Amounts deposited in the account established by paragraph (1) shall be available to the Secretary, without further appropriation, for the oversight and enforcement of the conservation easement established under section 101(c)(2).

SEC. 203. URBAN INTERFACE.

(a) IN GENERAL.—Except as otherwise provided in this Act and subject to valid existing rights, the Federal land described in subsection (b) is permanently withdrawn from—

(1) all forms of entry and appropriation under the public land laws and mining laws;

(2) location and patent under the mining laws; and

(3) operation of the mineral laws, geothermal leasing laws, and mineral material laws.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) consists of approximately 19,747 acres, which is identified on the Map as ''Urban Interface Withdrawal''.

(c) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land within the boundaries of the land described in subsection (b) that is acquired by the United States after the date of enactment of this Act shall be withdrawn in accordance with this section.

(d) OFF-HIGHWAY VEHICLE MANAGEMENT.—Until the date on which the Secretary, in consultation with the State, the City, and any other interested persons, completes a transportation plan for Federal land in the City, the use of motorized and mechanical vehicles on Federal land within the City shall be limited to roads and trails in existence on the date of enactment of this Act unless the use of the vehicles is needed—

(1) for administrative purposes; or

(2) to respond to an emergency.

SEC. 204. AVAILABILITY OF FUNDS.

Section 4(e) of the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2346; 116 Stat. 2007; 117 Stat. 1317; 118 Stat. 2414; 120 Stat. 3045) is amended—

(1) in paragraph (3)(A)(iv), by striking ''Clark, Lincoln, and White Pine Counties and Washoe County (subject to paragraph 4))'' and inserting ''Clark, Lincoln, and White Pine Counties and Washoe County (subject to paragraph 4)) and Carson City (subject to paragraph (5))'';

(2) in paragraph (3)(A)(v), by striking ''Clark, Lincoln, and White Pine Counties'' and inserting ''Clark, Lincoln, and White Pine Counties and Carson City (subject to paragraph (5))'';

(3) in paragraph (4), by striking ''2011'' and inserting ''2015''; and

(4) by adding at the end the following:

''(5) LIMITATION FOR CARSON CITY.—Carson City shall be eligible to nominate for expenditure amounts to acquire land or an interest in land for parks or natural areas and for conservation initiatives—

''(A) adjacent to the Carson River; or

''(B) within the floodplain of the Carson River.''.

TITLE III—TRANSFER OF LAND TO BE HELD IN TRUST FOR THE WASHOE TRIBE, SKUNK HARBOR CONVEYANCE CORRECTION, FOREST SERVICE AGREEMENT, AND ARTIFACT COLLECTION

SEC. 301. TRANSFER OF LAND TO BE HELD IN TRUST FOR WASHOE TRIBE.

(a) IN GENERAL.—Subject to valid existing rights, all right, title, and interest of the United States in and to the land described in subsection (b)—

(1) shall be held in trust by the United States for the benefit and use of the Tribe; and

(2) shall be part of the reservation of the Tribe.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) consists of approximately 293 acres, which is identified on the Map as ''To Washoe Tribe''.

(c) SURVEY.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall complete a survey of the boundary lines to establish the boundaries of the land taken into trust under subsection (a).

(d) USE OF LAND.—

(1) GAMING.—Land taken into trust under subsection (a) shall not be eligible, or considered to have been taken into trust, for class II gaming or class III gaming (as those terms are defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)).

(2) TRUST LAND FOR CEREMONIAL USE AND CONSERVATION.—With respect to the use of the land taken into trust under subsection (a) that is above the 5,200′ elevation contour, the Tribe—

(A) shall limit the use of the land to—

(i) traditional and customary uses; and

(ii) stewardship conservation for the benefit of the Tribe; and

(B) shall not permit any—

(i) permanent residential or recreational development on the land; or

(ii) commercial use of the land, including commercial development or gaming.

(3) TRUST LAND FOR COMMERCIAL AND RESIDENTIAL USE.—With respect to the use of the land taken into trust under subsection (a), the Tribe shall limit the use of the land below the 5,200′ elevation to—

(A) traditional and customary uses;

(B) stewardship conservation for the benefit of the Tribe; and

(C)(i) residential or recreational development; or

(ii) commercial use.

(4) THINNING; LANDSCAPE RESTORATION.—With respect to the land taken into trust under subsection (a), the Secretary of Agriculture, in consultation and coordination with the Tribe, may carry out any thinning and other landscape restoration activities on the land that is beneficial to the Tribe and the Forest Service.

SEC. 302. CORRECTION OF SKUNK HARBOR CONVEYANCE.

(a) PURPOSE.—The purpose of this section is to amend Public Law 108–67 (117 Stat. 880) to make a technical correction relating to the land conveyance authorized under that Act.

(b) TECHNICAL CORRECTION.—Section 2 of Public Law 108–67 (117 Stat. 880) is amended—

(1) by striking ''Subject to'' and inserting the following:

''(a) IN GENERAL.—Subject to'';

(2) in subsection (a) (as designated by paragraph (1)), by striking ''the parcel'' and all that follows through the period at the end and inserting the following: ''and to approximately 23 acres of land identified as 'Parcel A' on the map entitled 'Skunk Harbor Conveyance Correction' and dated September 12, 2008, the western boundary of which is the low water line of Lake Tahoe at elevation 6,223.0 (Lake Tahoe Datum).''; and

(3) by adding at the end the following:

''(b) SURVEY AND LEGAL DESCRIPTION.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary of Agriculture shall complete a survey and legal description of the boundary lines to establish the boundaries of the trust land.

''(2) TECHNICAL CORRECTIONS.—The Secretary may correct any technical errors in the survey or legal description completed under paragraph (1).

''(c) PUBLIC ACCESS AND USE.—Nothing in this Act prohibits any approved general public access (through existing easements or by boat) to, or use of, land remaining within the Lake Tahoe Basin Management Unit after the conveyance of the land to the Secretary of the Interior, in trust for the Tribe, under subsection (a), including access to, and use of, the beach and shoreline areas adjacent to the portion of land conveyed under that subsection.''.

(c) DATE OF TRUST STATUS.—The trust land described in section 2(a) of Public Law 108–67 (117 Stat. 880) shall be considered to be taken into trust as of August 1, 2003.

(d) TRANSFER.—The Secretary of the Interior, acting on behalf of and for the benefit of the Tribe, shall transfer to the Secretary of Agriculture administrative jurisdiction over the land identified as ''Parcel B'' on the map entitled ''Skunk Harbor Conveyance Correction'' and dated September 12, 2008.

SEC. 303. AGREEMENT WITH FOREST SERVICE.

The Secretary of Agriculture, in consultation with the Tribe, shall develop and implement a cooperative agreement that ensures regular access by members of the Tribe and other people in the community of the Tribe across National Forest System land from the City to Lake Tahoe for cultural and religious purposes.

SEC. 304. ARTIFACT COLLECTION.

(a) NOTICE.—At least 180 days before conducting any ground disturbing activities on the land identified as ''Parcel #2'' on the Map, the City shall notify the Tribe of the proposed activities to provide the Tribe with adequate time to inventory and collect any artifacts in the affected area.

(b) AUTHORIZED ACTIVITIES.—On receipt of notice under subsection (a), the Tribe may collect and possess any artifacts relating to the Tribe in the land identified as ''Parcel #2'' on the Map.

TITLE IV—AUTHORIZATION OF APPROPRIATIONS

SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 685—DESIGNATING THE LAST WEEK OF SEPTEMBER 2008 AS ''NATIONAL VOTER AWARENESS WEEK''

Mr. BROWN submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 685

Whereas the Framers of the Constitution established the United States as a representative democracy, with the fundamental principle of civic engagement on the part of all eligible citizens;

Whereas an essential element of an effective democracy is the ability of each eligible and qualified citizen to be able to vote in fair and open elections;

Whereas Congress has passed important election laws such as the Help America Vote Act (HAVA) of 2002, the National Voter Registration Act of 1993 (NVRA- Motor Voter Act), and the Voting Rights Act of 1965, dedicated to increasing the transparency of the election process, strengthening our voting systems, and protecting the right of all citizens to vote;

Whereas the 26th amendment of the Constitution requires that ''the right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on the account of age'';

Whereas Minnesota, Maine, New Hampshire, Idaho, Wisconsin, and Wyoming allow same day registration of voters at the polls, and also experience the highest voter turnout rates in the country;

Whereas most States have 30-day voter registration deadlines, and the public must be informed of their local and State election laws in September in order to participate fully in the Federal elections in November;

Whereas experts estimate that more than 20 percent of voters nationwide will cast their ballots before election day by mail or at early-voting locations, a proportion of the electorate that is rising with each election;

Whereas many election officials note that early voting is convenient for voters, increases turnout, and reduces the strain on polling places and poll workers on election day;

Whereas, according to the Fair Vote Center for Voting and Democracy, voter turnout in the United States is lower than in most other developed nations, with the United States coming 20th out of 21 in voter turnout among established democracies; and

Whereas S. 1901, introduced in the 102nd Congress, would have amended section 6103 of title 5, United States Code, to establish Democracy Day as a legal public holiday on election day, in recognition of the need for increased participation of an educated electorate to preserve the legitimacy of democracy: Now, therefore, be it

Resolved, That the Senate—

(1) designates the last week of September 2008 as ''National Voter Awareness Week'';

(2) calls upon the people of the United States to observe such a week with appropriate programs and activities, including helping State and local institutions deliver sample ballots, voter registration forms, absentee ballots, and other educational materials to all eligible voters; and

(3) encourages all grassroots organizations and educational, cultural, and community institutions to promote voter awareness and registration programs that befit local election procedure.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5645. Mr. REID (for Mr. KYL) proposed an amendment to the bill S. 3296, to extend the authority of the United States Supreme Court Police to protect court officials off the Supreme Court Grounds and change the title of the Administrative Assistant to the Chief Justice.

SA 5646. Mr. REID (for Mr. BIDEN) proposed an amendment to the bill H.R. 5057, to reauthorize the Debbie Smith DNA Backlog Grant Program, and for other purposes.

SA 5647. Mr. NELSON, of Florida (for Mr. DORGAN) proposed an amendment to the bill H.R. 2786, to reauthorize the programs for housing assistance for Native Americans.

SA 5648. Mr. NELSON, of Florida (for himself and Mr. VITTER) proposed an amendment to the bill H.R. 6063, to authorize the programs of the National Aeronautics and Space Administration, and for other purposes.

SA 5649. Mr. NELSON, of Florida (for Mr. LEVIN (for himself and Mr. VOINOVICH)) proposed an amendment to 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.

SA 5650. Mr. DURBIN (for Mr. BIDEN (for himself, Mr. SCHUMER, Mr. HATCH, Mr. BROWN, Mr. ALEXANDER, Mr. CARPER, Mr. ALLARD, Mr. CASEY, Mr. BARRASSO, Mr. DODD, Mr. BROWNBACK, Mrs. MURRAY, Mr. CHAMBLISS, Mr. NELSON, of Nebraska, Mr. CRAPO, Mr. NELSON, of Florida, Mr. CORNYN, Mr. OBAMA, Mr. COBURN, Mr. PRYOR, Mr. ENZI, Mr. TESTER, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. KYL, Mr. MARTINEZ, Mr. MCCAIN, Mr. ROBERTS, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Mr. SUNUNU, Mr. THUNE, Mr. VITTER, Mr. MCCONNELL, Mr. VOINOVICH, Mr. BENNETT, Mr. SPECTER, and Mr. REID)) proposed an amendment to the bill S. 1738, to require the Department of Justice to develop and implement a National Strategy Child Exploitation Prevention and Interdiction, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute child predators.

SA 5651. Mr. DURBIN (for Mr. BIDEN) proposed an amendment to the bill S. 1738, supra.

SA 5652. Mr. DURBIN (for Mr. LEAHY) proposed an amendment to the bill S. 2982, to amend the Runaway and Homeless Youth Act to authorize appropriations, and for other purposes.

SA 5653. Mr. DURBIN (for Mr. LEAHY (for himself and Mr. HATCH)) proposed an amendment to the bill H.R. 1777, to amend the Improving America's Schools Act of 1994 to make permanent the favorable treatment of need-based educational aid under the antitrust laws.

TEXT OF AMENDMENTS

SA 5645. Mr. REID (for Mr. KYL) proposed an amendment to the bill S. 3296, to extend the authority of the United States Supreme Court Police to protect court officials off the Supreme Court Grounds and change the title of the Administrative Assistant to the Chief Justice; as follows:

At the end of the bill, add the following:

SEC. 2. LIMITATION ON ACCEPTANCE OF HONORARY CLUB MEMBERSHIPS.

(a) DEFINITIONS.—In this section:

(1) GIFT.—The term ''gift'' has the meaning given under section 109(5) of the Ethics in Government Act of 1978 (5 U.S.C. App.).

(2) JUDICIAL OFFICER.—The term ''judicial officer'' has the meaning given under section 109(10) of the Ethics in Government Act of 1978 (5 U.S.C. App.).

(b) PROHIBITION ON ACCEPTANCE OF HONORARY CLUB MEMBERSHIPS.—A judicial officer may not accept a gift of an honorary club membership with a value of more than $50 in any calendar year.

SA 5646. Mr. REID (for Mr. BIDEN) proposed an amendment to the bill H.R. 5057, to reauthorize the Debbie Smith DNA Backlog Grant Program, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Debbie Smith Reauthorization Act of 2008''.

SEC. 2. GENERAL REAUTHORIZATION.

Section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135) is amended—

(1) in subsection (c)(3), by—

(A) striking subparagraphs (A) through (D);

(B) redesignating subparagraph (E) and subparagraph (A); and

(C) inserting at the end the following:

''(B) For each of the fiscal years 2010 through 2014, not less than 40 percent of the grant amounts shall be awarded for purposes under subsection (a)(2).''; and

(2) by amending subsection (j) to read as follows:

''(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General for grants under subsection (a) $151,000,000 for each of fiscal years 2009 through 2014.''.

SEC. 3. TRAINING AND EDUCATION.

Section 303(b) of the DNA Sexual Assault Justice Act of 2004 (42 U.S.C. 14136(b)) is amended by striking ''2005 through 2009'' and inserting ''2009 through 2014''.

SEC. 4. SEXUAL ASSAULT FORENSIC EXAM GRANTS.

Section 304(c) of the DNA Sexual Assault Justice Act of 2004 (42 U.S.C. 14136a(c)) is amended by striking ''2005 through 2009'' and inserting ''2009 through 2014''.

SA 5647. Mr. NELSON of Florida (for Mr. DORGAN) proposed an amendment to the bill H.R. 2786, to reauthorize the programs for housing assistance for Native Americans; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Native American Housing Assistance and Self-Determination Reauthorization Act of 2008''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Congressional findings.
Sec. 3. Definitions.

TITLE I—BLOCK GRANTS AND GRANT REQUIREMENTS

Sec. 101. Block grants.
Sec. 102. Indian housing plans.
Sec. 103. Review of plans.
Sec. 104. Treatment of program income and labor standards.
Sec. 105. Regulations.

TITLE II—AFFORDABLE HOUSING ACTIVITIES

Sec. 201. National objectives and eligible families.
Sec. 202. Eligible affordable housing activities.
Sec. 203. Program requirements.
Sec. 204. Low-income requirement and income targeting.
Sec. 205. Availability of records.
Sec. 206. Self-determined housing activities for tribal communities program.

TITLE III—ALLOCATION OF GRANT AMOUNTS

Sec. 301. Allocation formula.

TITLE IV—COMPLIANCE, AUDITS, AND REPORTS

Sec. 401. Remedies for noncompliance.
Sec. 402. Monitoring of compliance.
Sec. 403. Performance reports.

TITLE V—TERMINATION OF ASSISTANCE FOR INDIAN TRIBES UNDER INCORPORATED PROGRAMS
Sec. 501. Effect on Home Investment Partnerships Act.
TITLE VI—GUARANTEED LOANS TO FINANCE TRIBAL COMMUNITY AND ECONOMIC DEVELOPMENT ACTIVITIES
Sec. 601. Demonstration program for guaranteed loans to finance tribal community and economic development activities.
TITLE VII—FUNDING
Sec. 701. Authorization of appropriations.
TITLE VIII—MISCELLANEOUS
Sec. 801. Limitation on use for Cherokee Nation.
Sec. 802. Limitation on use of funds.
Sec. 803. GAO study of effectiveness of NAHASDA for tribes of different sizes.

SEC. 2. CONGRESSIONAL FINDINGS.

Section 2 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101) is amended in paragraphs (6) and (7) by striking ''should'' each place it appears and inserting ''shall''.

SEC. 3. DEFINITIONS.

Section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103) is amended—

(1) by striking paragraph (22);

(2) by redesignating paragraphs (8) through (21) as paragraphs (9) through (22), respectively; and

(3) by inserting after paragraph (7) the following:

''(8) HOUSING RELATED COMMUNITY DEVELOPMENT.—

''(A) IN GENERAL.—The term 'housing related community development' means any facility, community building, business, activity, or infrastructure that—

''(i) is owned by an Indian tribe or a tribally designated housing entity;

''(ii) is necessary to the provision of housing in an Indian area; and

''(iii)(I) would help an Indian tribe or tribally designated housing entity to reduce the cost of construction of Indian housing;

''(II) would make housing more affordable, accessible, or practicable in an Indian area; or

''(III) would otherwise advance the purposes of this Act.

''(B) EXCLUSION.—The term 'housing and community development' does not include any activity conducted by any Indian tribe under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).''.

TITLE I—BLOCK GRANTS AND GRANT REQUIREMENTS

SEC. 101. BLOCK GRANTS.

Section 101 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111) is amended—

(1) in subsection (a)—

(A) in the first sentence—

(i) by striking ''For each'' and inserting the following:

''(1) IN GENERAL.—For each'';

(ii) by striking ''tribes to carry out affordable housing activities.'' and inserting the following: ''tribes—

''(A) to carry out affordable housing activities under subtitle A of title II; and''; and

(iii) by adding at the end the following:

''(B) to carry out self-determined housing activities for tribal communities programs under subtitle B of that title.''; and

(B) in the second sentence, by striking ''Under'' and inserting the following:

''(2) PROVISION OF AMOUNTS.—Under'';

(2) in subsection (g), by inserting ''of this section and subtitle B of title II'' after ''subsection (h)''; and

(3) by adding at the end the following:

''(j) FEDERAL SUPPLY SOURCES.—For purposes of section 501 of title 40, United States Code, on election by the applicable Indian tribe—

''(1) each Indian tribe or tribally designated housing entity shall be considered to be an Executive agency in carrying out any program, service, or other activity under this Act; and

''(2) each Indian tribe or tribally designated housing entity and each employee of the Indian tribe or tribally designated housing entity shall have access to sources of supply on the same basis as employees of an Executive agency.

''(k) TRIBAL PREFERENCE IN EMPLOYMENT AND CONTRACTING.—Notwithstanding any other provision of law, with respect to any grant (or portion of a grant) made on behalf of an Indian tribe under this Act that is intended to benefit 1 Indian tribe, the tribal employment and contract preference laws (including regulations and tribal ordinances) adopted by the Indian tribe that receives the benefit shall apply with respect to the administration of the grant (or portion of a grant).''.

SEC. 102. INDIAN HOUSING PLANS.

Section 102 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4112) is amended—

(1) in subsection (a)(1)—

(A) by striking ''(1)(A) for'' and all that follows through the end of subparagraph (A) and inserting the following:

''(1)(A) for an Indian tribe to submit to the Secretary, by not later than 75 days before the beginning of each tribal program year, a 1-year housing plan for the Indian tribe; or''; and

(B) in subparagraph (B), by striking ''subsection (d)'' and inserting ''subsection (c)'';

(2) by striking subsections (b) and (c) and inserting the following:

''(b) 1-YEAR PLAN REQUIREMENT.—

''(1) IN GENERAL.—A housing plan of an Indian tribe under this section shall—

''(A) be in such form as the Secretary may prescribe; and

''(B) contain the information described in paragraph (2).

''(2) REQUIRED INFORMATION.—A housing plan shall include the following information with respect to the tribal program year for which assistance under this Act is made available:

''(A) DESCRIPTION OF PLANNED ACTIVITIES.—A statement of planned activities, including—

''(i) the types of household to receive assistance;

''(ii) the types and levels of assistance to be provided;

''(iii) the number of units planned to be produced;

''(iv)(I) a description of any housing to be demolished or disposed of;

''(II) a timetable for the demolition or disposition; and

''(III) any other information required by the Secretary with respect to the demolition or disposition;

''(v) a description of the manner in which the recipient will protect and maintain the viability of housing owned and operated by the recipient that was developed under a contract between the Secretary and an Indian housing authority pursuant to the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.); and

''(vi) outcomes anticipated to be achieved by the recipient.

''(B) STATEMENT OF NEEDS.—A statement of the housing needs of the low-income Indian families residing in the jurisdiction of the Indian tribe, and the means by which those needs will be addressed during the applicable period, including—

''(i) a description of the estimated housing needs and the need for assistance for the low-income Indian families in the jurisdiction, including a description of the manner in which the geographical distribution of assistance is consistent with the geographical needs and needs for various categories of housing assistance; and

''(ii) a description of the estimated housing needs for all Indian families in the jurisdiction.

''(C) FINANCIAL RESOURCES.—An operating budget for the recipient, in such form as the Secretary may prescribe, that includes—

''(i) an identification and description of the financial resources reasonably available to the recipient to carry out the purposes of this Act, including an explanation of the manner in which amounts made available will leverage additional resources; and

''(ii) the uses to which those resources will be committed, including eligible and required affordable housing activities under title II and administrative expenses.

''(D) CERTIFICATION OF COMPLIANCE.—Evidence of compliance with the requirements of this Act, including, as appropriate—

''(i) a certification that, in carrying out this Act, the recipient will comply with the applicable provisions of title II of the Civil Rights Act of 1968 (25 U.S.C. 1301 et seq.) and other applicable Federal laws and regulations;

''(ii) a certification that the recipient will maintain adequate insurance coverage for housing units that are owned and operated or assisted with grant amounts provided under this Act, in compliance with such requirements as the Secretary may establish;

''(iii) a certification that policies are in effect and are available for review by the Secretary and the public governing the eligibility, admission, and occupancy of families for housing assisted with grant amounts provided under this Act;

''(iv) a certification that policies are in effect and are available for review by the Secretary and the public governing rents and homebuyer payments charged, including the methods by which the rents or homebuyer payments are determined, for housing assisted with grant amounts provided under this Act;

''(v) a certification that policies are in effect and are available for review by the Secretary and the public governing the management and maintenance of housing assisted with grant amounts provided under this Act; and

''(vi) a certification that the recipient will comply with section 104(b).'';

(3) by redesignating subsections (d) through (f) as subsections (c) through (e), respectively; and

(4) in subsection (d) (as redesignated by paragraph (3)), by striking ''subsection (d)'' and inserting ''subsection (c)''.

SEC. 103. REVIEW OF PLANS.

Section 103 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4113) is amended—

(1) in subsection (d)—

(A) in the first sentence—

(i) by striking ''fiscal'' each place it appears and inserting ''tribal program''; and

(ii) by striking ''(with respect to'' and all that follows through ''section 102(c))''; and

(B) by striking the second sentence; and

(2) by striking subsection (e) and inserting the following:

''(e) SELF-DETERMINED ACTIVITIES PROGRAM.—Notwithstanding any other provision of this section, the Secretary—

''(1) shall review the information included in an Indian housing plan pursuant to subsections (b)(4) and (c)(7) only to determine

whether the information is included for purposes of compliance with the requirement under section 232(b)(2); and

''(2) may not approve or disapprove an Indian housing plan based on the content of the particular benefits, activities, or results included pursuant to subsections (b)(4) and (c)(7).''.

SEC. 104. TREATMENT OF PROGRAM INCOME AND LABOR STANDARDS.

Section 104(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4114(a)) is amended by adding at the end the following:

''(4) EXCLUSION FROM PROGRAM INCOME OF REGULAR DEVELOPER'S FEES FOR LOW-INCOME HOUSING TAX CREDIT PROJECTS.—Notwithstanding any other provision of this Act, any income derived from a regular and customary developer's fee for any project that receives a low-income housing tax credit under section 42 of the Internal Revenue Code of 1986, and that is initially funded using a grant provided under this Act, shall not be considered to be program income if the developer's fee is approved by the State housing credit agency.''.

SEC. 105. REGULATIONS.

Section 106(b)(2) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4116(b)(2)) is amended—

(1) in subparagraph (B)(i), by striking ''The Secretary'' and inserting ''Not later than 180 days after the date of enactment of the Native American Housing Assistance and Self-Determination Reauthorization Act of 2008 and any other Act to reauthorize this Act, the Secretary''; and

(2) by adding at the end the following:

''(C) SUBSEQUENT NEGOTIATED RULEMAKING.—The Secretary shall—

''(i) initiate a negotiated rulemaking in accordance with this section by not later than 90 days after the date of enactment of the Native American Housing Assistance and Self-Determination Reauthorization Act of 2008 and any other Act to reauthorize this Act; and

''(ii) promulgate regulations pursuant to this section by not later than 2 years after the date of enactment of the Native American Housing Assistance and Self-Determination Reauthorization Act of 2008 and any other Act to reauthorize this Act.

''(D) REVIEW.—Not less frequently than once every 7 years, the Secretary, in consultation with Indian tribes, shall review the regulations promulgated pursuant to this section in effect on the date on which the review is conducted.''.

TITLE II—AFFORDABLE HOUSING ACTIVITIES

SEC. 201. NATIONAL OBJECTIVES AND ELIGIBLE FAMILIES.

Section 201(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4131(b)) is amended—

(1) in paragraph (1), by inserting ''and except with respect to loan guarantees under the demonstration program under title VI,'' after ''paragraphs (2) and (4),'';

(2) in paragraph (2)—

(A) by striking the first sentence and inserting the following:

''(A) EXCEPTION TO REQUIREMENT.—Notwithstanding paragraph (1), a recipient may provide housing or housing assistance through affordable housing activities for which a grant is provided under this Act to any family that is not a low-income family, to the extent that the Secretary approves the activities due to a need for housing for those families that cannot reasonably be met without that assistance.''; and

(B) in the second sentence, by striking ''The Secretary'' and inserting the following:

''(B) LIMITS.—The Secretary'';

(3) in paragraph (3)—

(A) in the paragraph heading, by striking ''NON-INDIAN'' and inserting ''ESSENTIAL''; and

(B) by striking ''non-Indian family'' and inserting ''family''; and

(4) in paragraph (4)(A)(i), by inserting ''or other unit of local government,'' after ''county,''.

SEC. 202. ELIGIBLE AFFORDABLE HOUSING ACTIVITIES.

Section 202 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4132) is amended—

(1) in the matter preceding paragraph (1), by striking ''to develop or to support'' and inserting ''to develop, operate, maintain, or support'';

(2) in paragraph (2)—

(A) by striking ''development of utilities'' and inserting ''development and rehabilitation of utilities, necessary infrastructure,''; and

(B) by inserting ''mold remediation,'' after ''energy efficiency,'';

(3) in paragraph (4), by inserting ''the costs of operation and maintenance of units developed with funds provided under this Act,'' after ''rental assistance,''; and

(4) by adding at the end the following:

''(9) RESERVE ACCOUNTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the deposit of amounts, including grant amounts under section 101, in a reserve account established for an Indian tribe only for the purpose of accumulating amounts for administration and planning relating to affordable housing activities under this section, in accordance with the Indian housing plan of the Indian tribe.

''(B) MAXIMUM AMOUNT.—A reserve account established under subparagraph (A) shall consist of not more than an amount equal to ¼ of the 5-year average of the annual amount used by a recipient for administration and planning under paragraph (2).''.

SEC. 203. PROGRAM REQUIREMENTS.

Section 203 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4133) is amended by adding at the end the following:

''(f) USE OF GRANT AMOUNTS OVER EXTENDED PERIODS.—

''(1) IN GENERAL.—To the extent that the Indian housing plan for an Indian tribe provides for the use of amounts of a grant under section 101 for a period of more than 1 fiscal year, or for affordable housing activities for which the amounts will be committed for use or expended during a subsequent fiscal year, the Secretary shall not require those amounts to be used or committed for use at any time earlier than otherwise provided for in the Indian housing plan.

''(2) CARRYOVER.—Any amount of a grant provided to an Indian tribe under section 101 for a fiscal year that is not used by the Indian tribe during that fiscal year may be used by the Indian tribe during any subsequent fiscal year.

''(g) DE MINIMIS EXEMPTION FOR PROCUREMENT OF GOODS AND SERVICES.—Notwithstanding any other provision of law, a recipient shall not be required to act in accordance with any otherwise applicable competitive procurement rule or procedure with respect to the procurement, using a grant provided under this Act, of goods and services the value of which is less than $5,000.''.

SEC. 204. LOW-INCOME REQUIREMENT AND INCOME TARGETING.

Section 205 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4135) is amended by adding at the end the following:

''(c) APPLICABILITY.—The provisions of paragraph (2) of subsection (a) regarding binding commitments for the remaining useful life of property shall not apply to a family or household member who subsequently takes ownership of a homeownership unit.''.

SEC. 205. AVAILABILITY OF RECORDS.

Section 208(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4138(a)) is amended by inserting ''applicants for employment, and of'' after ''records of''.

SEC. 206. SELF-DETERMINED HOUSING ACTIVITIES FOR TRIBAL COMMUNITIES PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Title II of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4131 et seq.) is amended—

(1) by inserting after the title designation and heading the following:

''Subtitle A—General Block Grant Program'';

and

(2) by adding at the end the following:

''Subtitle B—Self-Determined Housing Activities for Tribal Communities

''SEC. 231. PURPOSE.

''The purpose of this subtitle is to establish a program for self-determined housing activities for the tribal communities to provide Indian tribes with the flexibility to use a portion of the grant amounts under section 101 for the Indian tribe in manners that are wholly self-determined by the Indian tribe for housing activities involving construction, acquisition, rehabilitation, or infrastructure relating to housing activities or housing that will benefit the community served by the Indian tribe.

''SEC. 232. PROGRAM AUTHORITY.

''(a) DEFINITION OF QUALIFYING INDIAN TRIBE.—In this section, the term 'qualifying Indian tribe' means, with respect to a fiscal year, an Indian tribe or tribally designated housing entity—

''(1) to or on behalf of which a grant is made under section 101;

''(2) that has complied with the requirements of section 102(b)(6); and

''(3) that, during the preceding 3-fiscal-year period, has no unresolved significant and material audit findings or exceptions, as demonstrated in—

''(A) the annual audits of that period completed under chapter 75 of title 31, United States Code (commonly known as the 'Single Audit Act'); or

''(B) an independent financial audit prepared in accordance with generally accepted auditing principles.

''(b) AUTHORITY.—Under the program under this subtitle, for each of fiscal years 2009 through 2013, the recipient for each qualifying Indian tribe may use the amounts specified in subsection (c) in accordance with this subtitle.

''(c) AMOUNTS.—With respect to a fiscal year and a recipient, the amounts referred to in subsection (b) are amounts from any grant provided under section 101 to the recipient for the fiscal year, as determined by the recipient, but in no case exceeding the lesser of—

''(1) an amount equal to 20 percent of the total grant amount for the recipient for that fiscal year; and

''(2) $2,000,000.

''SEC. 233. USE OF AMOUNTS FOR HOUSING ACTIVITIES.

''(a) ELIGIBLE HOUSING ACTIVITIES.—Any amounts made available for use under this subtitle by a recipient for an Indian tribe shall be used only for housing activities, as selected at the discretion of the recipient and described in the Indian housing plan for the Indian tribe pursuant to section 102(b)(6), for the construction, acquisition, or rehabilitation of housing or infrastructure in accordance with section 202 to provide a benefit to families described in section 201(b)(1).

''(b) PROHIBITION ON CERTAIN ACTIVITIES.—Amounts made available for use under this subtitle may not be used for commercial or economic development.

''SEC. 234. INAPPLICABILITY OF OTHER PROVISIONS.

''(a) IN GENERAL.—Except as otherwise specifically provided in this Act, title I, subtitle A of title II, and titles III through VIII shall not apply to—

''(1) the program under this subtitle; or

''(2) amounts made available in accordance with this subtitle.

''(b) APPLICABLE PROVISIONS.—The following provisions of titles I through VIII shall apply to the program under this subtitle and amounts made available in accordance with this subtitle:

''(1) Section 101(c) (relating to local cooperation agreements).

''(2) Subsections (d) and (e) of section 101 (relating to tax exemption).

''(3) Section 101(j) (relating to Federal supply sources).

''(4) Section 101(k) (relating to tribal preference in employment and contracting).

''(5) Section 102(b)(4) (relating to certification of compliance).

''(6) Section 104 (relating to treatment of program income and labor standards).

''(7) Section 105 (relating to environmental review).

''(8) Section 201(b) (relating to eligible families).

''(9) Section 203(c) (relating to insurance coverage).

''(10) Section 203(g) (relating to a de minimis exemption for procurement of goods and services).

''(11) Section 206 (relating to treatment of funds).

''(12) Section 209 (relating to noncompliance with affordable housing requirement).

''(13) Section 401 (relating to remedies for noncompliance).

''(14) Section 408 (relating to public availability of information).

''(15) Section 702 (relating to 50-year leasehold interests in trust or restricted lands for housing purposes).

''SEC. 235. REVIEW AND REPORT.

''(a) REVIEW.—During calendar year 2011, the Secretary shall conduct a review of the results achieved by the program under this subtitle to determine—

''(1) the housing constructed, acquired, or rehabilitated under the program;

''(2) the effects of the housing described in paragraph (1) on costs to low-income families of affordable housing;

''(3) the effectiveness of each recipient in achieving the results intended to be achieved, as described in the Indian housing plan for the Indian tribe; and

''(4) the need for, and effectiveness of, extending the duration of the program and increasing the amount of grants under section 101 that may be used under the program.

''(b) REPORT.—Not later than December 31, 2011, the Secretary shall submit to Congress a report describing the information obtained pursuant to the review under subsection (a) (including any conclusions and recommendations of the Secretary with respect to the program under this subtitle), including—

''(1) recommendations regarding extension of the program for subsequent fiscal years and increasing the amounts under section 232(c) that may be used under the program; and

''(2) recommendations for—

''(A)(i) specific Indian tribes or recipients that should be prohibited from participating in the program for failure to achieve results; and

''(ii) the period for which such a prohibition should remain in effect; or

''(B) standards and procedures by which Indian tribes or recipients may be prohibited from participating in the program for failure to achieve results.

''(c) PROVISION OF INFORMATION TO SECRETARY.—Notwithstanding any other provision of this Act, recipients participating in the program under this subtitle shall provide such information to the Secretary as the Secretary may request, in sufficient detail and in a timely manner sufficient to ensure that the review and report required by this section is accomplished in a timely manner.''.

(b) TECHNICAL AMENDMENT.—The table of contents in section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 note) is amended—

(1) by inserting after the item for title II the following:

''Subtitle A—General Block Grant Program'';

(2) by inserting after the item for section 205 the following:

''Sec. 206. Treatment of funds.'';

and

(3) by inserting before the item for title III the following:

''Subtitle B—Self-Determined Housing Activities for Tribal Communities

''Sec. 231. Purposes.
''Sec. 232. Program authority.
''Sec. 233. Use of amounts for housing activities.
''Sec. 234. Inapplicability of other provisions.
''Sec. 235. Review and report.''.

TITLE III—ALLOCATION OF GRANT AMOUNTS

SEC. 301. ALLOCATION FORMULA.

Section 302 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4152) is amended—

(1) in subsection (a)—

(A) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary''; and

(B) by adding at the end the following:

''(2) STUDY OF NEED DATA.—

''(A) IN GENERAL.—The Secretary shall enter into a contract with an organization with expertise in housing and other demographic data collection methodologies under which the organization, in consultation with Indian tribes and Indian organizations, shall—

''(i) assess existing data sources, including alternatives to the decennial census, for use in evaluating the factors for determination of need described in subsection (b); and

''(ii) develop and recommend methodologies for collecting data on any of those factors, including formula area, in any case in which existing data is determined to be insufficient or inadequate, or fails to satisfy the requirements of this Act.

''(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, to remain available until expended.''; and

(2) in subsection (b), by striking paragraph (1) and inserting the following:

''(1)(A) The number of low-income housing dwelling units developed under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.), pursuant to a contract between an Indian housing authority for the tribe and the Secretary, that are owned or operated by a recipient on the October 1 of the calendar year immediately preceding the year for which funds are provided, subject to the condition that such a unit shall not be considered to be a low-income housing dwelling unit for purposes of this section if—

''(i) the recipient ceases to possess the legal right to own, operate, or maintain the unit; or

''(ii) the unit is lost to the recipient by conveyance, demolition, or other means.

''(B) If the unit is a homeownership unit not conveyed within 25 years from the date of full availability, the recipient shall not be considered to have lost the legal right to own, operate, or maintain the unit if the unit has not been conveyed to the homebuyer for reasons beyond the control of the recipient.

''(C) If the unit is demolished and the recipient rebuilds the unit within 1 year of demolition of the unit, the unit may continue to be considered a low-income housing dwelling unit for the purpose of this paragraph.

''(D) In this paragraph, the term 'reasons beyond the control of the recipient' means, after making reasonable efforts, there remain—

''(i) delays in obtaining or the absence of title status reports;

''(ii) incorrect or inadequate legal descriptions or other legal documentation necessary for conveyance;

''(iii) clouds on title due to probate or intestacy or other court proceedings; or

''(iv) any other legal impediment.

''(E) Subparagraphs (A) through (D) shall not apply to any claim arising from a formula current assisted stock calculation or count involving an Indian housing block grant allocation for any fiscal year through fiscal year 2008, if a civil action relating to the claim is filed by not later than 45 days after the date of enactment of this subparagraph.''.

TITLE IV—COMPLIANCE, AUDITS, AND REPORTS

SEC. 401. REMEDIES FOR NONCOMPLIANCE.

Section 401(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4161(a)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following:

''(2) SUBSTANTIAL NONCOMPLIANCE.—The failure of a recipient to comply with the requirements of section 302(b)(1) regarding the reporting of low-income dwelling units shall not, in itself, be considered to be substantial noncompliance for purposes of this title.''.

SEC. 402. MONITORING OF COMPLIANCE.

Section 403(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4163(b)) is amended in the second sentence by inserting ''an appropriate level of'' after ''shall include''.

SEC. 403. PERFORMANCE REPORTS.

Section 404(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4164(b)) is amended—

(1) in paragraph (2)—

(A) by striking ''goals'' and inserting ''planned activities''; and

(B) by adding ''and'' after the semicolon at the end;

(2) in paragraph (3), by striking ''; and'' at the end and inserting a period; and

(3) by striking paragraph (4).

TITLE V—TERMINATION OF ASSISTANCE FOR INDIAN TRIBES UNDER INCORPORATED PROGRAMS

SEC. 501. EFFECT ON HOME INVESTMENT PARTNERSHIPS ACT.

(a) IN GENERAL.—Title V of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4181 et seq.) is amended by adding at the end the following:

"SEC. 509. EFFECT ON HOME INVESTMENT PARTNERSHIPS ACT.

''Nothing in this Act or an amendment made by this Act prohibits or prevents any participating jurisdiction (within the meaning of the HOME Investment Partnerships Act (42 U.S.C. 12721 et seq.)) from providing any amounts made available to the participating jurisdiction under that Act (42 U.S.C. 12721 et seq.) to an Indian tribe or a tribally designated housing entity for use in accordance with that Act (42 U.S.C. 12721 et seq.).''.

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 note) is amended by inserting after the item relating to section 508 the following:

''Sec. 509. Effect on HOME Investment Partnerships Act.''.

TITLE VI—GUARANTEED LOANS TO FINANCE TRIBAL COMMUNITY AND ECONOMIC DEVELOPMENT ACTIVITIES

SEC. 601. DEMONSTRATION PROGRAM FOR GUARANTEED LOANS TO FINANCE TRIBAL COMMUNITY AND ECONOMIC DEVELOPMENT ACTIVITIES.

(a) IN GENERAL.—Title VI of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4191 et seq.) is amended by adding at the end the following:

"SEC. 606. DEMONSTRATION PROGRAM FOR GUARANTEED LOANS TO FINANCE TRIBAL COMMUNITY AND ECONOMIC DEVELOPMENT ACTIVITIES.

''(a) AUTHORITY.—

''(1) IN GENERAL.—Subject to paragraph (2), to the extent and in such amounts as are provided in appropriation Acts, subject to the requirements of this section, and in accordance with such terms and conditions as the Secretary may prescribe, the Secretary may guarantee and make commitments to guarantee the notes and obligations issued by Indian tribes or tribally designated housing entities with tribal approval, for the purposes of financing activities carried out on Indian reservations and in other Indian areas that, under the first sentence of section 108(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5308), are eligible for financing with notes and other obligations guaranteed pursuant to that section.

''(2) LIMITATION.—The Secretary may guarantee, or make commitments to guarantee, under paragraph (1) the notes or obligations of not more than 4 Indian tribes or tribally designated housing entities located in each Department of Housing and Urban Development Office of Native American Programs region.

''(b) LOW-INCOME BENEFIT REQUIREMENT.—Not less than 70 percent of the aggregate amount received by an Indian tribe or tribally designated housing entity as a result of a guarantee under this section shall be used for the support of activities that benefit low-income families on Indian reservations and other Indian areas.

''(c) FINANCIAL SOUNDNESS.—

''(1) IN GENERAL.—The Secretary shall establish underwriting criteria for guarantees under this section, including fees for the guarantees, as the Secretary determines to be necessary to ensure that the program under this section is financially sound.

''(2) AMOUNTS OF FEES.—Fees for guarantees established under paragraph (1) shall be established in amounts that are sufficient, but do not exceed the minimum amounts necessary, to maintain a negative credit subsidy for the program under this section, as determined based on the risk to the Federal Government under the underwriting requirements established under paragraph (1).

''(d) TERMS OF OBLIGATIONS.—

''(1) IN GENERAL.—Each note or other obligation guaranteed pursuant to this section shall be in such form and denomination, have such maturity, and be subject to such conditions as the Secretary may prescribe, by regulation.

''(2) LIMITATION.—The Secretary may not deny a guarantee under this section on the basis of the proposed repayment period for the note or other obligation, unless—

''(A) the period is more than 20 years; or

''(B) the Secretary determines that the period would cause the guarantee to constitute an unacceptable financial risk.

''(e) LIMITATION ON PERCENTAGE.—A guarantee made under this section shall guarantee repayment of 95 percent of the unpaid principal and interest due on the note or other obligation guaranteed.

''(f) SECURITY AND REPAYMENT.—

''(1) REQUIREMENTS ON ISSUER.—To ensure the repayment of notes and other obligations and charges incurred under this section and as a condition for receiving the guarantees, the Secretary shall require the Indian tribe or housing entity issuing the notes or obligations—

''(A) to enter into a contract, in a form acceptable to the Secretary, for repayment of notes or other obligations guaranteed under this section;

''(B) to demonstrate that the extent of each issuance and guarantee under this section is within the financial capacity of the Indian tribe; and

''(C) to furnish, at the discretion of the Secretary, such security as the Secretary determines to be appropriate in making the guarantees, including increments in local tax receipts generated by the activities assisted by a guarantee under this section or disposition proceeds from the sale of land or rehabilitated property, except that the security may not include any grant amounts received or for which the issuer may be eligible under title I.

''(2) FULL FAITH AND CREDIT.—

''(A) IN GENERAL.—The full faith and credit of the United States is pledged to the payment of all guarantees made under this section.

''(B) TREATMENT OF GUARANTEES.—

''(i) IN GENERAL.—Any guarantee made by the Secretary under this section shall be conclusive evidence of the eligibility of the obligations for the guarantee with respect to principal and interest.

''(ii) INCONTESTABLE NATURE.—The validity of any such a guarantee shall be incontestable in the hands of a holder of the guaranteed obligations.

''(g) TRAINING AND INFORMATION.—The Secretary, in cooperation with Indian tribes and tribally designated housing entities, may carry out training and information activities with respect to the guarantee program under this section.

''(h) LIMITATIONS ON AMOUNT OF GUARANTEES.—

''(1) AGGREGATE FISCAL YEAR LIMITATION.—Notwithstanding any other provision of law, subject only to the absence of qualified applicants or proposed activities and to the authority provided in this section, and to the extent approved or provided for in appropriations Acts, the Secretary may enter into commitments to guarantee notes and obligations under this section with an aggregate principal amount not to exceed $200,000,000 for each of fiscal years 2009 through 2013.

''(2) AUTHORIZATION OF APPROPRIATIONS FOR CREDIT SUBSIDY.—There are authorized to be appropriated to cover the costs (as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a)) of guarantees under this section $1,000,000 for each of fiscal years 2009 through 2013.

''(3) AGGREGATE OUTSTANDING LIMITATION.—The total amount of outstanding obligations guaranteed on a cumulative basis by the Secretary pursuant to this section shall not at any time exceed $1,000,000,000 or such higher amount as may be authorized to be appropriated for this section for any fiscal year.

''(4) FISCAL YEAR LIMITATIONS ON INDIAN TRIBES.—

''(A) IN GENERAL.—The Secretary shall monitor the use of guarantees under this section by Indian tribes.

''(B) MODIFICATIONS.—If the Secretary determines that 50 percent of the aggregate guarantee authority under paragraph (3) has been committed, the Secretary may—

''(i) impose limitations on the amount of guarantees pursuant to this section that any single Indian tribe may receive in any fiscal year of $25,000,000; or

''(ii) request the enactment of legislation increasing the aggregate outstanding limitation on guarantees under this section.

''(i) REPORT.—Not later than 4 years after the date of enactment of this section, the Secretary shall submit to Congress a report describing the use of the authority under this section by Indian tribes and tribally designated housing entities, including—

''(1) an identification of the extent of the use and the types of projects and activities financed using that authority; and

''(2) an analysis of the effectiveness of the use in carrying out the purposes of this section.

''(j) TERMINATION.—The authority of the Secretary under this section to make new guarantees for notes and obligations shall terminate on October 1, 2013.''.

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 note) is amended by inserting after the item relating to section 605 the following:

''Sec. 606. Demonstration program for guaranteed loans to finance tribal community and economic development activities.''.

TITLE VII—FUNDING

SEC. 701. AUTHORIZATION OF APPROPRIATIONS.

(a) BLOCK GRANTS AND GRANT REQUIREMENTS.—Section 108 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4117) is amended in the first sentence by striking ''1998 through 2007'' and inserting ''2009 through 2013''.

(b) FEDERAL GUARANTEES FOR FINANCING FOR TRIBAL HOUSING ACTIVITIES.—Section 605 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4195) is amended in subsections (a) and (b) by striking ''1997 through 2007'' each place it appears and inserting ''2009 through 2013''.

(c) TRAINING AND TECHNICAL ASSISTANCE.—Section 703 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4212) is amended by striking ''1997 through 2007'' and inserting ''2009 through 2013''.

TITLE VIII—MISCELLANEOUS

SEC. 801. LIMITATION ON USE FOR CHEROKEE NATION.

No funds authorized under this Act, or the amendments made by this Act, or appropriated pursuant to an authorization under this Act or such amendments, shall be expended for the benefit of the Cherokee Nation; provided, that this limitation shall not be effective if the Temporary Order and Temporary Injunction issued on May 14, 2007, by the District Court of the Cherokee Nation remains in effect during the pendency of litigation or there is a settlement agreement which effects the end of litigation among the adverse parties.

SEC. 802. LIMITATION ON USE OF FUNDS.

No amounts made available pursuant to any authorization of appropriations under this Act, or under the amendments made by this Act, may be used to employ workers described in section 274A(h)(3)) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).

SEC. 803. GAO STUDY OF EFFECTIVENESS OF NAHASDA FOR TRIBES OF DIFFERENT SIZES.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the effectiveness of the Native American Housing Assistance and Self-Determination Act of 1996 in achieving its purposes of meeting the needs for affordable housing for low-income Indian families, as compared to the programs for housing and community development assistance for Indian tribes and families and Indian housing authorities that were terminated under title V of such Act and the amendments made by such title. The study shall compare such effectiveness with respect to Indian tribes of various sizes and types, and specifically with respect to smaller tribes for which grants of lesser or minimum amounts have been made under title I of such Act.

(b) REPORT.—Not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, the Comptroller General shall submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate regarding the results and conclusions of the study conducted pursuant to subsection (a). Such report shall include recommendations regarding any changes appropriate to the Native American Housing Assistance and Self-Determination Act of 1996 to help ensure that the purposes of such Act are achieved by all Indian tribes, regardless of size or type.

SA 5648. Mr. NELSON of Florida (for himself and Mr. VITTER) proposed an amendment to the bill H.R. 6063, to authorize the programs of the National Aeronautics and Space Administration, and for other purposes; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''National Aeronautics and Space Administration Authorization Act of 2008''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2009

Sec. 101. Fiscal year 2009.

TITLE II—EARTH SCIENCE

Sec. 201. Goal.
Sec. 202. Governance of United States Earth Observations activities.
Sec. 203. Decadal survey missions.
Sec. 204. Transitioning experimental research into operational services.
Sec. 205. Landsat thermal infrared data continuity.
Sec. 206. Reauthorization of Glory Mission.
Sec. 207. Plan for disposition of Deep Space Climate Observatory.
Sec. 208. Tornadoes and other severe storms.

TITLE III—AERONAUTICS

Sec. 301. Sense of Congress.
Sec. 302. Environmentally friendly aircraft research and development initiative.
Sec. 303. Research alignment.
Sec. 304. Research program to determine perceived impact of sonic booms.
Sec. 305. External review of NASA's aviation safety-related research programs.
Sec. 306. Aviation weather research.
Sec. 307. Funding for research and development activities in support of other mission directorates.
Sec. 308. Enhancement of grant program on establishment of university-based centers for research on aviation training.

TITLE IV—EXPLORATION INITIATIVE

Sec. 401. Sense of Congress.
Sec. 402. Reaffirmation of exploration policy.
Sec. 403. Stepping stone approach to exploration.
Sec. 404. Lunar outpost.
Sec. 405. Exploration technology development.
Sec. 406. Exploration risk mitigation plan.
Sec. 407. Exploration crew rescue.
Sec. 408. Participatory exploration.
Sec. 409. Science and exploration.
Sec. 410. Congressional Budget Office report update.

TITLE V—SPACE SCIENCE

Sec. 501. Technology development.
Sec. 502. Provision for future servicing of observatory-class scientific spacecraft.
Sec. 503. Mars exploration.
Sec. 504. Importance of a balanced science program.
Sec. 505. Suborbital research activities.
Sec. 506. Restoration of radioisotope thermoelectric generator material production.
Sec. 507. Assessment of impediments to interagency cooperation on space and Earth science missions.
Sec. 508. Assessment of cost growth.
Sec. 509. Outer planets exploration.

TITLE VI—SPACE OPERATIONS

Subtitle A—International Space Station

Sec. 601. Plan to support operation and utilization of the ISS beyond fiscal year 2015.
Sec. 602. International Space Station National Laboratory Advisory Committee.
Sec. 603. Contingency plan for cargo resupply.
Sec. 604. Sense of Congress on use of Space Life Sciences Laboratory at Kennedy Space Center.

Subtitle B—Space Shuttle

Sec. 611. Space Shuttle flight requirements.
Sec. 612. United States commercial cargo capability status.
Sec. 613. Space Shuttle transition.
Sec. 614. Aerospace skills retention and investment reutilization report.
Sec. 615. Temporary continuation of coverage of health benefits.
Sec. 616. Accounting report.

Subtitle C—Launch Services

Sec. 621. Launch services strategy.

TITLE VII—EDUCATION

Sec. 701. Response to review.
Sec. 702. External review of explorer schools program.
Sec. 703. Sense of Congress on EarthKAM and robotics competitions.
Sec. 704. Enhancement of educational role of NASA.

TITLE VIII—NEAR-EARTH OBJECTS

Sec. 801. Reaffirmation of policy.
Sec. 802. Findings.
Sec. 803. Requests for information.
Sec. 804. Establishment of policy with respect to threats posed by near-earth objects.
Sec. 805. Planetary radar capability.
Sec. 806. Arecibo observatory.
Sec. 807. International resources.

TITLE IX—COMMERCIAL INITIATIVES

Sec. 901. Sense of Congress.
Sec. 902. Commercial crew initiative.

TITLE X—REVITALIZATION OF NASA INSTITUTIONAL CAPABILITIES

Sec. 1001. Review of information security controls.
Sec. 1002. Maintenance and upgrade of Center facilities.
Sec. 1003. Assessment of NASA laboratory capabilities.
Sec. 1004. Study and report on project assignment and work allocation of field centers.

TITLE XI—OTHER PROVISIONS

Sec. 1101. Space weather.
Sec. 1102. Initiation of discussions on development of framework for space traffic management.
Sec. 1103. Astronaut health care.
Sec. 1104. National Academies decadal surveys.
Sec. 1105. Innovation prizes.
Sec. 1106. Commercial space launch range study.
Sec. 1107. NASA outreach program.
Sec. 1108. Reduction-in-force moratorium.
Sec. 1109. Protection of scientific credibility, integrity, and communication within NASA.
Sec. 1110. Sense of Congress regarding the need for a robust workforce.
Sec. 1111. Methane inventory.
Sec. 1112. Exception to alternative fuel procurement requirement.
Sec. 1113. Sense of Congress on the importance of the NASA Office of Program Analysis and Evaluation.
Sec. 1114. Sense of Congress on elevating the importance of space and aeronautics within the Executive Office of the President.
Sec. 1115. Study on leasing practices of field centers.
Sec. 1116. Cooperative unmanned aerial vehicle activities.
Sec. 1117. Development of enhanced-use lease policy.
Sec. 1118. Sense of Congress with regard to the Michoud Assembly Facility and NASA's other centers and facilities.
Sec. 1119. Report on U.S. industrial base for launch vehicle engines.
Sec. 1120. Sense of Congress on precursor International Space Station research.
Sec. 1121. Limitation on funding for conferences.
Sec. 1122. Report on NASA efficiency and performance.

SEC. 2. FINDINGS.

The Congress finds, on this, the 50th anniversary of the establishment of the National Aeronautics and Space Administration, the following:

(1) NASA is and should remain a multimission agency with a balanced and robust set of core missions in science, aeronautics, and human space flight and exploration.

(2) Investment in NASA's programs will promote innovation through research and development, and will improve the competitiveness of the United States.

(3) Investment in NASA's programs, like investments in other Federal science and technology activities, is an investment in our future.

(4) Properly structured, NASA's activities can contribute to an improved quality of life, economic vitality, United States leadership in peaceful cooperation with other nations on challenging undertakings in science and technology, national security, and the advancement of knowledge.

(5) NASA should assume a leadership role in a cooperative international Earth observations and research effort to address key research issues associated with climate change and its impacts on the Earth system.

(6) NASA should undertake a program of aeronautical research, development, and where appropriate demonstration activities with the overarching goals of—

(A) ensuring that the Nation's future air transportation system can handle up to 3 times the current travel demand and incorporate new vehicle types with no degradation in safety or adverse environmental impact on local communities;

(B) protecting the environment;

(C) promoting the security of the Nation; and

(D) retaining the leadership of the United States in global aviation.

(7) Human and robotic exploration of the solar system will be a significant long-term undertaking of humanity in the 21st century and beyond, and it is in the national interest that the United States should assume a leadership role in a cooperative international exploration initiative.

(8) Developing United States human space flight capabilities to allow independent American access to the International Space Station, and to explore beyond low Earth orbit, is a strategically important national imperative, and all prudent steps should thus be taken to bring the Orion Crew Exploration Vehicle and Ares I Crew Launch Vehicle to full operational capability as soon as possible and to ensure the effective development of a United States heavy lift launch capability for missions beyond low Earth orbit.

(9) NASA's scientific research activities have contributed much to the advancement of knowledge, provided societal benefits, and helped train the next generation of scientists and engineers, and those activities should continue to be an important priority.

(10) NASA should make a sustained commitment to a robust long-term technology development activity. Such investments represent the critically important ''seed corn'' on which NASA's ability to carry out challenging and productive missions in the future will depend.

(11) NASA, through its pursuit of challenging and relevant activities, can provide an important stimulus to the next generation to pursue careers in science, technology, engineering, and mathematics.

(12) Commercial activities have substantially contributed to the strength of both the United States space program and the national economy, and the development of a healthy and robust United States commercial space sector should continue to be encouraged.

(13) It is in the national interest for the United States to have an export control policy that protects the national security while also enabling the United States aerospace industry to compete effectively in the global market place and the United States to undertake cooperative programs in science and human space flight in an effective and efficient manner.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of NASA.

(2) NASA.—The term ''NASA'' means the National Aeronautics and Space Administration.

(3) NOAA.—The term ''NOAA'' means the National Oceanic and Atmospheric Administration.

(4) OSTP.—The term ''OSTP'' means the Office of Science and Technology Policy.

TITLE I—AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2009

SEC. 101. FISCAL YEAR 2009.

There are authorized to be appropriated to NASA for fiscal year 2009 $20,210,000,000, as follows:

(1) For Science, $4,932,200,000, of which—

(A) $1,518,000,000 shall be for Earth Science, including $29,200,000 for suborbital activities and $2,500,000 for carrying out section 313 of the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155);

(B) $1,483,000,000 shall be for Planetary Science, including $486,500,000 for the Mars Exploration program, $2,000,000 to continue planetary radar operations at the Arecibo Observatory in support of the Near-Earth Object program, and $5,000,000 for radioisotope material production, to remain available until expended;

(C) $1,290,400,000 shall be for Astrophysics, including $27,300,000 for suborbital activities;

(D) $640,800,000 shall be for Heliophysics, including $50,000,000 for suborbital activities; and

(E) $75,000,000 shall be for Intra-Science Mission Directorate Technology Development, to be taken on a proportional basis from the funding subtotals under subparagraphs (A), (B), (C), and (D).

(2) For Aeronautics, $853,400,000, of which $406,900,000 shall be for system-level research, development, and demonstration activities related to—

(A) aviation safety;

(B) environmental impact mitigation, including noise, energy efficiency, and emissions;

(C) support of the Next Generation Air Transportation System initiative; and

(D) investigation of new vehicle concepts and flight regimes.

(3) For Exploration, $4,886,000,000, of which—

(A) $3,886,000,000 shall be for baseline exploration activities, of which $100,000,000 shall be for the activities under sections 902(a)(4) and 902(d), such funds to remain available until expended; no less than $1,101,400,000 shall be for the Orion Crew Exploration Vehicle; no less than $1,018,500,000 shall be for Ares I Crew Launch Vehicle; and $737,800,000 shall be for Advanced Capabilities, including $106,300,000 for the Lunar Precursor Robotic Program (of which $30,000,000 shall be for the lunar lander mission), $276,500,000 shall be for International Space Station-related research and development activities, and $355,000,000 shall be for research and development activities not related to the International Space Station; and

(B) $1,000,000,000 shall be available to be used to accelerate the initial operating capability of the Orion Crew Exploration Vehicle and the Ares I Crew Launch Vehicle, to remain available until expended.

(4) For Education, $128,300,000, of which $14,200,000 shall be for the Experimental Program to Stimulate Competitive Research and $32,000,000 shall be for the Space Grant program.

(5) For Space Operations, $6,074,700,000, of which—

(A) $150,000,000 shall be for an additional Space Shuttle flight to deliver the Alpha Magnetic Spectrometer to the International Space Station;

(B) $100,000,000 shall be to augment funding for research utilization of the International Space Station National Laboratory, to remain available until expended; and

(C) $50,000,000 shall be to augment funding for Space Operations Mission Directorate reserves and Shuttle Transition and Retirement activities.

(6) For Cross-Agency Support Programs, $3,299,900,000, of which $4,000,000 shall be for the program established under section 1107(a), to remain available until expended.

(7) For Inspector General, $35,500,000.

TITLE II—EARTH SCIENCE

SEC. 201. GOAL.

The goal for NASA's Earth Science program shall be to pursue a program of Earth observations, research, and applications activities to better understand the Earth, how it supports life, and how human activities affect its ability to do so in the future. In pursuit of this goal, NASA's Earth Science program shall ensure that securing practical benefits for society will be an important measure of its success in addition to securing new knowledge about the Earth system and climate change. In further pursuit of this goal, NASA shall, together with NOAA and other relevant agencies, provide United States leadership in developing and carrying out a cooperative international Earth observations-based research program.

SEC. 202. GOVERNANCE OF UNITED STATES EARTH OBSERVATIONS ACTIVITIES.

(a) STUDY.—The Director of OSTP shall consult with NASA, NOAA, and other relevant agencies with an interest in Earth observations and enter into an arrangement with the National Academies for a study to determine the most appropriate governance structure for United States Earth Observations programs in order to meet evolving United States Earth information needs and facilitate United States participation in global Earth Observations initiatives.

(b) REPORT.—The Director shall transmit the study to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 18 months after the date of enactment of this Act, and shall provide OSTP's plan for implementing the study's recommendations not later than 24 months after the date of enactment of this Act.

SEC. 203. DECADAL SURVEY MISSIONS.

(a) IN GENERAL.—The missions recommended in the National Academies' decadal survey ''Earth Science and Applications from Space'' provide the basis for a compelling and relevant program of research and applications, and the Administrator should work to establish an international cooperative effort to pursue those missions.

(b) PLAN.—The Administrator shall consult with all agencies referenced in the survey as responsible for spacecraft missions and prepare a plan for submission to Congress not later than 270 days after the date of enactment of this Act that shall describe how NASA intends to implement the missions recommended for NASA to conduct as described in subsection (a), whether by means of dedicated NASA missions, multi-agency missions, international cooperative missions, data sharing, or commercial data buys, or by means of long-term technology development to determine whether specific missions would be executable at a reasonable cost and within a reasonable schedule.

SEC. 204. TRANSITIONING EXPERIMENTAL RESEARCH INTO OPERATIONAL SERVICES.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that experimental NASA sensors and missions that have the potential to benefit society if transitioned into operational monitoring systems be transitioned into operational status whenever possible.

(b) INTERAGENCY PROCESS.—The Director of OSTP, in consultation with the Administrator, the Administrator of NOAA, and

other relevant stakeholders, shall develop a process to transition, when appropriate, NASA Earth science and space weather missions or sensors into operational status. The process shall include coordination of annual agency budget requests as required to execute the transitions.

(c) RESPONSIBLE AGENCY OFFICIAL.—The Administrator and the Administrator of NOAA shall each designate an agency official who shall have the responsibility for and authority to lead NASA's and NOAA's transition activities and interagency coordination.

(d) PLAN.—For each mission or sensor that is determined to be appropriate for transition under subsection (b), NASA and NOAA shall transmit to Congress a joint plan for conducting the transition. The plan shall include the strategy, milestones, and budget required to execute the transition. The transition plan shall be transmitted to Congress not later than 60 days after the successful completion of the mission or sensor critical design review.

SEC. 205. LANDSAT THERMAL INFRARED DATA CONTINUITY.

(a) PLAN.—In view of the importance of Landsat thermal infrared data for both scientific research and water management applications, the Administrator shall prepare a plan for ensuring the continuity of Landsat thermal infrared data or its equivalent, including allocation of costs and responsibility for the collection and distribution of the data, and a budget plan. As part of the plan, the Administrator shall provide an option for developing a thermal infrared sensor at minimum cost to be flown on the Landsat Data Continuity Mission with minimum delay to the schedule of the Landsat Data Continuity Mission.

(b) DEADLINE.—The plan shall be provided to Congress not later than 60 days after the date of enactment of this Act.

SEC. 206. REAUTHORIZATION OF GLORY MISSION.

(a) REAUTHORIZATION.—Congress reauthorizes NASA to continue with development of the Glory Mission, which will examine how aerosols and solar energy affect the Earth's climate.

(b) BASELINE REPORT.—Pursuant to the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109-155), not later than 90 days after the date of enactment of this Act, the Administrator shall transmit a new baseline report consistent with section 103(b)(2) of such Act. The report shall include an analysis of the factors contributing to cost growth and the steps taken to address them.

SEC. 207. PLAN FOR DISPOSITION OF DEEP SPACE CLIMATE OBSERVATORY.

(a) PLAN.—NASA shall develop a plan for the Deep Space Climate Observatory (DSCOVR), including such options as using the parts of the spacecraft in the development and assembly of other science missions, transferring the spacecraft to another agency, reconfiguring the spacecraft for another Earth science mission, establishing a public-private partnership for the mission, and entering into an international cooperative partnership to use the spacecraft for its primary or other purposes. The plan shall include an estimate of budgetary resources and schedules required to implement each of the options.

(b) CONSULTATION.—NASA shall consult, as necessary, with NOAA and other Federal agencies, industry, academic institutions, and international space agencies in developing the plan.

(c) REPORT.—The Administrator shall transmit the plan required under subsection (a) to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 180 days after the date of enactment of this Act.

SEC. 208. TORNADOES AND OTHER SEVERE STORMS.

The Administrator shall ensure that NASA gives high priority to those parts of its existing cooperative activities with NOAA that are related to the study of tornadoes and other severe storms, tornado-force winds, and other factors determined to influence the development of tornadoes and other severe storms, with the goal of improving the Nation's ability to predict tornados and other severe storms. Further, the Administrator shall examine whether there are additional cooperative activities with NOAA that should be undertaken in the area of tornado and severe storm research.

TITLE III—AERONAUTICS

SEC. 301. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) aeronautics research continues to be an important core element of NASA's mission and should be supported;

(2) NASA aeronautics research should be guided by and consistent with the national policy to guide aeronautics research and development programs of the United States developed in accordance with section 101(c) of the National Aeronautics and Space Administration Authorization Act of 2005 (42 U.S.C. 16611); and

(3) technologies developed by NASA as described in paragraph (2) would help to secure the leadership role of the United States in global aviation and greatly enhance competitiveness of the United States in aeronautics in the future.

SEC. 302. ENVIRONMENTALLY FRIENDLY AIRCRAFT RESEARCH AND DEVELOPMENT INITIATIVE.

The Administrator shall establish an initiative involving NASA, universities, industry, and other research organizations as appropriate, of research, development, and demonstration, in a relevant environment, of technologies to enable the following commercial aircraft performance characteristics:

(1) Noise levels on takeoff and on airport approach and landing that do not exceed ambient noise levels in the absence of flight operations in the vicinity of airports from which such commercial aircraft would normally operate, without increasing energy consumption or nitrogen oxide emissions compared to aircraft in commercial service as of the date of enactment of this Act.

(2) Significant reductions in greenhouse gas emissions compared to aircraft in commercial services as of the date of enactment of this Act.

SEC. 303. RESEARCH ALIGNMENT.

In addition to pursuing the research and development initiative described in section 302, the Administrator shall, to the maximum extent practicable within available funding, align the fundamental aeronautics research program to address high priority technology challenges of the National Academies' Decadal Survey of Civil Aeronautics, and shall work to increase the degree of involvement of external organizations, and especially of universities, in the fundamental aeronautics research program.

SEC. 304. RESEARCH PROGRAM TO DETERMINE PERCEIVED IMPACT OF SONIC BOOMS.

(a) IN GENERAL.—The ability to fly commercial aircraft over land at supersonic speeds without adverse impacts on the environment or on local communities would open new markets and enable new transportation capabilities. In order to have the basis for establishing appropriate sonic boom standards for such flight operations, a research program is needed to assess the impact in a relevant environment of commercial supersonic flight operations.

(b) ESTABLISHMENT.—The Administrator shall establish a cooperative research program with industry, including the conduct of flight demonstrations in a relevant environment, to collect data on the perceived impact of sonic booms. The data could enable the promulgation of appropriate standards for overland commercial supersonic flight operations.

(c) COORDINATION.—The Administrator shall ensure that sonic boom research is coordinated as appropriate with the Administrator of the Federal Aviation Administration, and as appropriate make use of the expertise of the Partnership for Air Transportation Noise and Emissions Reduction Center of Excellence sponsored by NASA and the Federal Aviation Administration.

SEC. 305. EXTERNAL REVIEW OF NASA'S AVIATION SAFETY-RELATED RESEARCH PROGRAMS.

(a) REVIEW.—The Administrator shall enter into an arrangement with the National Research Council for an independent review of NASA's aviation safety-related research programs. The review shall assess whether—

(1) the programs have well-defined, prioritized, and appropriate research objectives;

(2) the programs are properly coordinated with the safety research programs of the Federal Aviation Administration and other relevant Federal agencies;

(3) the programs have allocated appropriate resources to each of the research objectives; and

(4) suitable mechanisms exist for transitioning the research results from the programs into operational technologies and procedures and certification activities in a timely manner.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review required in subsection (a).

SEC. 306. AVIATION WEATHER RESEARCH PLAN.

The Administrator and the Administrator of NOAA shall develop a collaborative research plan on convective weather events. The goal of the research is to significantly improve the reliability of 2-hour to 6-hour aviation weather forecasts. Within 270 days after the date of enactment of this Act, the Administrator and the Administrator of NOAA shall submit this plan to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives.

SEC. 307. FUNDING FOR RESEARCH AND DEVELOPMENT ACTIVITIES IN SUPPORT OF OTHER MISSION DIRECTORATES.

Research and development activities performed by the Aeronautics Research Mission Directorate with the primary objective of assisting in the development of a flight project in another Mission Directorate shall be funded by the Mission Directorate seeking assistance.

SEC. 308. ENHANCEMENT OF GRANT PROGRAM ON ESTABLISHMENT OF UNIVERSITY-BASED CENTERS FOR RESEARCH ON AVIATION TRAINING.

Section 427(a) of the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155) is amended by striking ''may'' and inserting ''shall''.

TITLE IV—EXPLORATION INITIATIVE

SEC. 401. SENSE OF CONGRESS.

It is the sense of Congress that the President of the United States should invite

America's friends and allies to participate in a long-term international initiative under the leadership of the United States to expand human and robotic presence into the solar system, including the exploration and utilization of the Moon, near Earth asteroids, Lagrangian points, and eventually Mars and its moons, among other exploration and utilization goals. When appropriate, the United States should lead confidence building measures that advance the long-term initiative for international cooperation.

SEC. 402. REAFFIRMATION OF EXPLORATION POLICY.

Congress hereby affirms its support for—

(1) the broad goals of the space exploration policy of the United States, including the eventual return to and exploration of the Moon and other destinations in the solar system and the important national imperative of independent access to space;

(2) the development of technologies and operational approaches that will enable a sustainable long-term program of human and robotic exploration of the solar system;

(3) activity related to Mars exploration, particularly for the development and testing of technologies and mission concepts needed for eventual consideration of optional mission architectures, pursuant to future authority to proceed with the consideration and implementation of such architectures; and

(4) international participation and cooperation, as well as commercial involvement in space exploration activities.

SEC. 403. STEPPING STONE APPROACH TO EXPLORATION.

In order to maximize the cost-effectiveness of the long-term exploration and utilization activities of the United States, the Administrator shall take all necessary steps, including engaging international partners, to ensure that activities in its lunar exploration program shall be designed and implemented in a manner that gives strong consideration to how those activities might also help meet the requirements of future exploration and utilization activities beyond the Moon. The timetable of the lunar phase of the long-term international exploration initiative shall be determined by the availability of funding. However, once an exploration-related project enters its development phase, the Administrator shall seek, to the maximum extent practicable, to complete that project without undue delays.

SEC. 404. LUNAR OUTPOST.

(a) ESTABLISHMENT.—As NASA works toward the establishment of a lunar outpost, NASA shall make no plans that would require a lunar outpost to be occupied to maintain its viability. Any such outpost shall be operable as a human-tended facility capable of remote or autonomous operation for extended periods.

(b) DESIGNATION.—The United States portion of the first human-tended outpost established on the surface of the Moon shall be designated the ''Neil A. Armstrong Lunar Outpost''.

(c) SENSE OF CONGRESS.—It is the sense of Congress that NASA should make use of commercial services to the maximum extent practicable in support of its lunar outpost activities.

SEC. 405. EXPLORATION TECHNOLOGY DEVELOPMENT.

(a) IN GENERAL.—A robust program of long-term exploration-related technology research and development will be essential for the success and sustainability of any enduring initiative of human and robotic exploration of the solar system.

(b) ESTABLISHMENT.—The Administrator shall carry out a program of long-term exploration-related technology research and development, including such things as in-space propulsion, power systems, life support, and advanced avionics, that is not tied to specific flight projects. The program shall have the funding goal of ensuring that the technology research and development can be completed in a timely manner in order to support the safe, successful, and sustainable exploration of the solar system. In addition, in order to ensure that the broadest range of innovative concepts and technologies are captured, the long-term technology program shall have the goal of having a significant portion of its funding available for external grants and contracts with universities, research institutions, and industry.

SEC. 406. EXPLORATION RISK MITIGATION PLAN.

(a) PLAN.—The Administrator shall prepare a plan that identifies and prioritizes the human and technical risks that will need to be addressed in carrying out human exploration beyond low Earth orbit and the research and development activities required to address those risks. The plan shall address the role of the International Space Station in exploration risk mitigation and include a detailed description of the specific steps being taken to utilize the International Space Station for that purpose.

(b) REPORT.—The Administrator shall transmit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the plan described in subsection (a) not later than one year after the date of enactment of this Act.

SEC. 407. EXPLORATION CREW RESCUE.

In order to maximize the ability to rescue astronauts whose space vehicles have become disabled, the Administrator shall enter into discussions with the appropriate representatives of spacefaring nations who have or plan to have crew transportation systems capable of orbital flight or flight beyond low Earth orbit for the purpose of agreeing on a common docking system standard.

SEC. 408. PARTICIPATORY EXPLORATION.

(a) IN GENERAL.—The Administrator shall develop a technology plan to enable dissemination of information to the public to allow the public to experience missions to the Moon, Mars, or other bodies within our solar system by leveraging advanced exploration technologies. The plan shall identify opportunities to leverage technologies in NASA's Constellation systems that deliver a rich, multi-media experience to the public, and that facilitate participation by the public, the private sector, nongovernmental organizations, and international partners. Technologies for collecting high-definition video, 3-dimensional images, and scientific data, along with the means to rapidly deliver this content through extended high bandwidth communications networks, shall be considered as part of this plan. It shall include a review of high bandwidth radio and laser communications, high-definition video, stereo imagery, 3-dimensional scene cameras, and Internet routers in space, from orbit, and on the lunar surface. The plan shall also consider secondary cargo capability for technology validation and science mission opportunities. In addition, the plan shall identify opportunities to develop and demonstrate these technologies on the International Space Station and robotic missions to the Moon, Mars, and other solar system bodies. As part of the technology plan, the Administrator shall examine the feasibility of having NASA enter into contracts and other agreements with appropriate public, private sector, and international partners to broadcast electronically, including via the Internet, images and multimedia records delivered from its missions in space to the public, and shall identify issues associated with such contracts and other agreements. In any such contracts and other agreements, NASA shall adhere to a transparent bidding process to award such contracts and other agreements, pursuant to United States law. As part of this plan, the Administrator shall include estimates of associated costs.

(b) REPORT.—Not later than 270 days after the date of enactment of this Act, the Administrator shall submit the plan to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 409. SCIENCE AND EXPLORATION.

It is the sense of Congress that NASA's scientific and human exploration activities are synergistic; science enables exploration and human exploration enables science. The Congress encourages the Administrator to coordinate, where practical, NASA's science and exploration activities with the goal of maximizing the success of human exploration initiatives and furthering our understanding of the Universe that we explore.

SEC. 410. CONGRESSIONAL BUDGET OFFICE REPORT UPDATE.

Not later than 6 months after the date of enactment of this Act, the Congressional Budget Office shall update its report from 2004 on the budgetary analysis of NASA's Vision for the Nation's Space Exploration Program, including new estimates for Project Constellation, NASA's new generation of spacecraft designed for human space flight that will replace the Space Shuttle program.

TITLE V—SPACE SCIENCE

SEC. 501. TECHNOLOGY DEVELOPMENT.

The Administrator shall establish an intra-Directorate long-term technology development program for space and Earth science within the Science Mission Directorate for the development of new technology. The program shall be independent of the flight projects under development. NASA shall have a goal of funding the intra-Directorate technology development program at a level of 5 percent of the total Science Mission Directorate annual budget. The program shall be structured to include competitively awarded grants and contracts.

SEC. 502. PROVISION FOR FUTURE SERVICING OF OBSERVATORY-CLASS SCIENTIFIC SPACECRAFT.

The Administrator shall take all necessary steps to ensure that provision is made in the design and construction of all future observatory-class scientific spacecraft intended to be deployed in Earth orbit or at a Lagrangian point in space for robotic or human servicing and repair to the extent practicable and appropriate.

SEC. 503. MARS EXPLORATION.

Congress reaffirms its support for a systematic, integrated program of exploration of the Martian surface to examine the planet whose surface is most like Earth's, to search for evidence of past or present life, and to examine Mars for future habitability and as a long-term goal for future human exploration. To the extent affordable and practical, the program should pursue the goal of launches at every Mars launch opportunity, leading to an eventual robotic sample return.

SEC. 504. IMPORTANCE OF A BALANCED SCIENCE PROGRAM.

It is the sense of Congress that a balanced and adequately funded set of activities, consisting of NASA's research and analysis grants programs, technology development, small-, medium-, and large-sized space science missions, and suborbital research activities, contributes to a robust and productive science program and serves as a catalyst for innovation.

SEC. 505. SUBORBITAL RESEARCH ACTIVITIES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that suborbital flight activities, including the use of sounding rockets, aircraft, and high-altitude balloons, and suborbital reusable launch vehicles, offer valuable opportunities to advance science, train the next generation of scientists and engineers, and provide opportunities for participants in the programs to acquire skills in systems engineering and systems integration that are critical to maintaining the Nation's leadership in space programs. The Congress believes that it is in the national interest to expand the size of NASA's suborbital research program. It is further the sense of Congress that funding for suborbital research activities should be considered part of the contribution of NASA to United States competitive and educational enhancement and should represent increased funding as contemplated in section 2001 of the America COMPETES Act (42 U.S.C. 16611(a)).

(b) REVIEW OF SUBORBITAL MISSION CAPABILITIES.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Administrator shall enter into an arrangement with the National Academies to conduct a review of the suborbital mission capabilities of NASA.

(2) MATTERS REVIEWED.—The review required by paragraph (1) shall include a review of the following:

(A) Existing programs that make use of suborbital flights.

(B) The status, capability, and availability of suborbital platforms, and the infrastructure and workforce necessary to support them.

(C) Existing or planned launch facilities for suborbital missions.

(D) Opportunities for scientific research, training, and educational collaboration in the conduct of suborbital missions by NASA, especially as they relate to the findings and recommendations of the National Academies decadal surveys and report on ''Building a Better NASA Workforce: Meeting the Workforce Needs for the National Vision for Space Exploration''.

(3) REPORT.—

(A) IN GENERAL.—Not later than 15 months after the date of enactment of this Act, the Administrator shall submit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the review required by this subsection.

(B) CONTENTS.—The report required by this paragraph shall include a summary of the review; the findings of the Administrator with respect to such review; recommendations regarding the growth of suborbital launch programs conducted by NASA; and the steps necessary to ensure such programs are conducted using domestic launch facilities to the maximum extent practicable, including any rationale and justification for using nondomestic facilities for such missions.

SEC. 506. RESTORATION OF RADIOISOTOPE THERMOELECTRIC GENERATOR MATERIAL PRODUCTION.

(a) PLAN.—The Director of OSTP shall develop a plan for restarting and sustaining the domestic production of radioisotope thermoelectric generator material for deep space and other space science missions.

(b) REPORT.—The plan developed under subsection (a) shall be transmitted to Congress not later than 270 days after the date of enactment of this Act.

SEC. 507. ASSESSMENT OF IMPEDIMENTS TO INTERAGENCY COOPERATION ON SPACE AND EARTH SCIENCE MISSIONS.

(a) ASSESSMENTS.—The Administrator, in consultation with other agencies with space science programs, shall enter into an arrangement with the National Academies to assess impediments, including cost growth, to the successful conduct of interagency cooperation on space science missions, to provide lessons learned and best practices, and to recommend steps to help facilitate successful interagency collaborations on space science missions. As part of the same arrangement with the National Academies, the Administrator, in consultation with NOAA and other agencies with civil Earth observation systems, shall have the National Academies assess impediments, including cost growth, to the successful conduct of interagency cooperation on Earth science missions, to provide lessons learned and best practices, and to recommend steps to help facilitate successful interagency collaborations on Earth science missions.

(b) REPORT.—The report of the assessments carried out under subsection (a) shall be transmitted to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 15 months after the date of enactment of this Act.

SEC. 508. ASSESSMENT OF COST GROWTH.

(a) STUDY.—The Administrator shall enter into an arrangement for an independent external assessment to identify the primary causes of cost growth in the large-, medium-, and small-sized space and Earth science spacecraft mission classes, and make recommendations as to what changes, if any, should be made to contain costs and ensure frequent mission opportunities in NASA's science spacecraft mission programs.

(b) REPORT.—The report of the assessment conducted under subsection (a) shall be submitted to Congress not later than 15 months after the date of enactment of this Act.

SEC. 509. OUTER PLANETS EXPLORATION.

It is the sense of Congress that the outer solar system planets and their satellites can offer important knowledge about the formation and evolution of the solar system, the nature and diversity of these solar system bodies, and the potential for conditions conducive to life beyond Earth. NASA should move forward with plans for an Outer Planets flagship mission to the Europa-Jupiter system or the Titan-Saturn system as soon as practicable within a balanced Planetary Science program.

TITLE VI—SPACE OPERATIONS

Subtitle A—International Space Station

SEC. 601. PLAN TO SUPPORT OPERATION AND UTILIZATION OF THE ISS BEYOND FISCAL YEAR 2015.

(a) IN GENERAL.—The Administrator shall take all necessary steps to ensure that the International Space Station remains a viable and productive facility capable of potential United States utilization through at least 2020 and shall take no steps that would preclude its continued operation and utilization by the United States after 2015.

(b) PLAN TO SUPPORT OPERATIONS AND UTILIZATION OF THE INTERNATIONAL SPACE STATION BEYOND FISCAL YEAR 2015.—

(1) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Administrator shall submit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan to support the operations and utilization of the International Space Station beyond fiscal year 2015 for a period of not less than 5 years. The plan shall be an update and expansion of the operation plan of the International Space Station National Laboratory submitted to Congress in May 2007 under section 507 of the National Aeronautics and Space Administration Authorization Act of 2005 (42 U.S.C. 16767).

(2) CONTENT.—

(A) REQUIREMENTS TO SUPPORT OPERATION AND UTILIZATION OF THE ISS BEYOND FISCAL YEAR 2015.—As part of the plan required in paragraph (1), the Administrator shall provide each of the following:

(i) A list of critical hardware necessary to support International Space Station operations through the year 2020.

(ii) Specific known or anticipated maintenance actions that would need to be performed to support International Space Station operations and research through the year 2020.

(iii) Annual upmass and downmass requirements, including potential vehicles that will deliver such upmass and downmass, to support the International Space Station after the retirement of the Space Shuttle Orbiter and through the year 2020.

(B) ISS NATIONAL LABORATORY RESEARCH MANAGEMENT PLAN.—As part of the plan required in paragraph (1), the Administrator shall develop a Research Management Plan for the International Space Station. Such Plan shall include a process for selecting and prioritizing research activities (including fundamental, applied, commercial, and other research) for flight on the International Space Station. Such Plan shall be used to prioritize resources such as crew time, racks and equipment, and United States access to international research facilities and equipment. Such Plan shall also identify the organization to be responsible for managing United States research on the International Space Station, including a description of the relationship of the management institution with NASA (e.g., internal NASA office, contract, cooperative agreement, or grant), the estimated length of time for the arrangement, and the budget required to support the management institution. Such Plan shall be developed in consultation with other Federal agencies, academia, industry, and other relevant stakeholders. The Administrator may request the support of the National Academy of Sciences or other appropriate independent entity, including an external consultant, in developing the Plan.

(C) ESTABLISHMENT OF PROCESS FOR ACCESS TO NATIONAL LABORATORY.—As part of the plan required in paragraph (1), the Administrator shall—

(i) establish a process by which to support International Space Station National Laboratory users in identifying their requirements for transportation of research supplies to and from the International Space Station, and for communicating those requirements to NASA and International Space Station transportation services providers; and

(ii) develop an estimate of the transportation requirements needed to support users of the International Space Station National Laboratory and develop a plan for satisfying those requirements by dedicating a portion of volume on NASA supply missions to the International Space Station.

(D) ASSESSMENT OF EQUIPMENT TO SUPPORT RESEARCH.—As part of the plan required in paragraph (1), the Administrator shall—

(i) provide a list of critical hardware that is anticipated to be necessary to support nonexploration-related and exploration-related research through the year 2020;

(ii) identify existing research equipment and racks and support equipment that are manifested for flight; and

(iii) provide a detailed description of the status of research equipment and facilities that were completed or in development prior to being cancelled, and provide the budget and milestones for completing and preparing the equipment for flight on the International Space Station.

(E) BUDGET PLAN.—As part of the plan required in paragraph (1), the Administrator shall provide a budget plan that reflects the anticipated use of such activities and the projected amounts to be required for fiscal years 2010 through 2020 to accomplish the objectives of the activities described in subparagraphs (A) through (D).

SEC. 602. INTERNATIONAL SPACE STATION NATIONAL LABORATORY ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall establish under the Federal Advisory Committee Act a committee to be known as the ''International Space Station National Laboratory Advisory Committee'' (hereafter in this section referred to as the ''Committee'').

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Committee shall be composed of individuals representing organizations who have formal agreements with NASA to utilize the United States portion of the International Space Station, including allocations within partner elements.

(2) CHAIR.—The Administrator shall appoint a chair from among the members of the Committee, who shall serve for a 2-year term.

(c) DUTIES OF THE COMMITTEE.—

(1) IN GENERAL.—The Committee shall monitor, assess, and make recommendations regarding effective utilization of the International Space Station as a national laboratory and platform for research.

(2) ANNUAL REPORT.—The Committee shall submit to the Administrator, on an annual basis or more frequently as considered necessary by a majority of the members of the Committee, a report containing the assessments and recommendations required by paragraph (1).

(d) DURATION.—The Committee shall exist for the life of the International Space Station.

SEC. 603. CONTINGENCY PLAN FOR CARGO RESUPPLY.

(a) IN GENERAL.—The International Space Station represents a significant investment of national resources, and it is a facility that embodies a cooperative international approach to the exploration and utilization of space. As such, it is important that its continued viability and productivity be ensured, to the maximum extent possible, after the Space Shuttle is retired.

(b) CONTINGENCY PLAN.—The Administrator shall develop a contingency plan and arrangements, including use of International Space Station international partner cargo resupply capabilities, to ensure the continued viability and productivity of the International Space Station in the event that United States commercial cargo resupply services are not available during any extended period after the date that the Space Shuttle is retired. The plan shall be delivered to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than one year after the date of enactment of this Act.

SEC. 604. SENSE OF CONGRESS ON USE OF SPACE LIFE SCIENCES LABORATORY AT KENNEDY SPACE CENTER.

It is the sense of Congress that the Space Life Sciences Laboratory at Kennedy Space Center represents a key investment and asset in the International Space Station National Laboratory capability. The laboratory is specifically designed to provide pre-flight, in-flight, and post-flight support services for International Space Station end-users, and should be utilized in this manner when appropriate.

Subtitle B—Space Shuttle

SEC. 611. SPACE SHUTTLE FLIGHT REQUIREMENTS.

(a) REPORT ON U.S. HUMAN SPACEFLIGHT CAPABILITIES.—Section 501(c) of the National Aeronautics and Space Administration Authorization Act of 2005 (42 U.S.C. 16761(c)) is amended by striking the matter before paragraph (1) and inserting the following: ''Not later than 90 days after the date of enactment of the National Aeronautics and Space Administration Authorization Act of 2008, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives a report on the lack of a United States human space flight system to replace the Space Shuttle upon its planned retirement, currently scheduled for 2010, and the ability of the United States to uphold the policy described in subsection (a), including a description of—''.

(b) BASELINE MANIFEST.—In addition to the Space Shuttle flights listed as part of the baseline flight manifest as of January 1, 2008, the Utilization flights ULF–4 and ULF–5 shall be considered part of the Space Shuttle baseline flight manifest and shall be flown prior to the retirement of the Space Shuttle, currently scheduled for 2010.

(c) ADDITIONAL FLIGHT TO DELIVER THE ALPHA MAGNETIC SPECTROMETER AND OTHER SCIENTIFIC EQUIPMENT AND PAYLOADS TO THE INTERNATIONAL SPACE STATION.—

(1) IN GENERAL.—In addition to the flying of the baseline manifest as described in subsection (b), the Administrator shall take all necessary steps to fly one additional Space Shuttle flight to deliver the Alpha Magnetic Spectrometer and other scientific equipment and payloads to the International Space Station prior to the retirement of the Space Shuttle. The purpose of the mission required to be planned under this subsection shall be to ensure the active use of the United States portion of the International Space Station as a National Laboratory by the delivery of the Alpha Magnetic Spectrometer, and to the extent practicable, the delivery of flight-ready research experiments prepared under the Memoranda of Understanding between NASA and other entities to facilitate the utilization of the International Space Station National Laboratory, as well as other fundamental and applied life sciences and other microgravity research experiments to the International Space Station as soon as the assembly of the International Space Station is completed.

(2) FLIGHT SCHEDULE.—If the Administrator, within 12 months before the scheduled date of the additional Space Shuttle flight authorized by paragraph (1), determines that—

(A) NASA will be unable to meet that launch date before the end of calendar year 2010, unless the President decides to extend Shuttle operations beyond 2010, or

(B) implementation of the additional flight requirement would, in and of itself, result in—

(i) significant increased costs to NASA over the cost estimate of the additional flight as determined by the Independent Program Assessment Office, or

(ii) unacceptable safety risks associated with making the flight before termination of the Space Shuttle program,

the Administrator shall notify the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science and Technology of the determination, and provide a detailed explanation of the basis for that determination. After the notification is provided to the Committees, the Administrator shall remove the flight from the Space Shuttle schedule unless the Congress by law reauthorizes the flight or the President certifies that it is in the national interest to fly the mission.

(d) TERMINATION OR SUSPENSION OF ACTIVITIES THAT WOULD PRECLUDE CONTINUED FLIGHT OF SPACE SHUTTLE PRIOR TO REVIEW BY THE INCOMING 2009 PRESIDENTIAL ADMINISTRATION.—

(1) IN GENERAL.—The Administrator shall terminate or suspend any activity of the Agency that, if continued between the date of enactment of this Act and April 30, 2009, would preclude the continued safe and effective flight of the Space Shuttle after fiscal year 2010 if the first President inaugurated on January 20, 2009, were to make a determination to delay the Space Shuttle's scheduled retirement.

(2) REPORT ON IMPACT OF COMPLIANCE.—Within 90 days after the date of enactment of this Act, the Administrator shall provide a report to the Congress describing the expected budgetary and programmatic impacts from compliance with paragraph (1). The report shall include—

(A) a summary of the actions taken to ensure the option to continue space shuttle flights beyond the end of fiscal year 2010 is not precluded before April 30, 2009;

(B) an estimate of additional costs incurred by each specific action identified in the summary provided under subparagraph (A);

(C) a description of the proposed plan for allocating those costs among anticipated fiscal year 2009 appropriations or existing budget authority;

(D) a description of any programmatic impacts within the Space Operations Mission Directorate that would result from reallocations of funds to meet the requirements of paragraph (1);

(E) a description of any additional authority needed to enable compliance with the requirements of paragraph (1); and

(F) a description of any potential disruption to the timely progress of development milestones in the preparation of infrastructure or work-force requirements for shuttle follow-on launch systems.

(e) REPORT ON IMPACTS OF SPACE SHUTTLE EXTENSION.—Within 120 days after the date of enactment of this Act, the Administrator shall provide a report to the Congress outlining options, impacts, and associated costs of ensuring the safe and effective operation of the Space Shuttle at the minimum rate necessary to support International Space Station operations and resupply, including for both a near-term, 1- to 2-year extension of Space Shuttle operations and for a longer term, 3- to 6-year extension. The report shall include an assessment of—

(1) annual fixed and marginal costs, including identification and cost impacts of options for cost-sharing with the Constellation program and including the impact of those cost-sharing options on the Constellation program;

(2) the safety of continuing the use of the Space Shuttle beyond 2010, including a probability risk assessment of a catastrophic accident before completion of the extended Space Shuttle flight program, the underlying assumptions used in calculating that probability, and comparing the associated safety risks with those of other existing and planned human-rated launch systems, including the Soyuz and Constellation vehicles;

(3) a description of the activities and an estimate of the associated costs that would be needed to maintain or improve Space Shuttle safety throughout the periods described in the first sentence of this subsection were the President inaugurated on January 20,

2009, to extend Space Shuttle operations beyond 2010, the correctly anticipated date of Space Shuttle retirement;

(4) the impacts on facilities, workforce, and resources for the Constellation program and on the cost and schedule of that program;

(5) assumptions regarding workforce, skill mix, launch and processing infrastructure, training, ground support, orbiter maintenance and vehicle utilization, and other relevant factors, as appropriate, used in deriving the cost and schedule estimates for the options studied;

(6) the extent to which program management, processes, and workforce and contractor assignments can be integrated and streamlined for maximum efficiency to support continued shuttle flights while transitioning to the Constellation program, including identification of associated cost impacts on both the Space Shuttle and the Constellation program;

(7) the impact of a Space Shuttle flight program extention on the United States' dependence on Russia for International Space Station crew rescue services; and

(8) the potential for enhancements of International Space Station research, logistics, and maintenance capabilities resulting from extended Shuttle flight operations and the costs associated with implementing any such enhancements.

SEC. 612. UNITED STATES COMMERCIAL CARGO CAPABILITY STATUS.

The Administrator shall determine the degree to which an increase in the amounts authorized to be appropriated under section 101(3) for the Commercial Orbital Transportation Services project to be used by Phase One team members of such project in fiscal year 2009 would reasonably be expected to accelerate development of Capabilities A, B, and C of such project to an effective operations capability as close to 2010 as possible.

SEC. 613. SPACE SHUTTLE TRANSITION.

(a) DISPOSITION OF SHUTTLE-RELATED ASSETS.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator shall submit to Congress a plan describing the process for the disposition of the remaining Space Shuttle Orbiters and other Space Shuttle program-related hardware after the retirement of the Space Shuttle fleet.

(2) PLAN REQUIREMENTS.—The plan submitted under paragraph (1) shall include a description of a process by which educational institutions, science museums, and other appropriate organizations may acquire, through loan or disposal by the Federal Government, Space Shuttle program hardware.

(3) PROHIBITION ON DISPOSITION BEFORE COMPLETION OF PLAN.—The Administrator shall not dispose of any Space Shuttle program hardware before the plan required by paragraph (1) is submitted to Congress.

(b) SPACE SHUTTLE TRANSITION LIAISON OFFICE.—

(1) ESTABLISHMENT.—The Administrator shall develop a plan and establish a Space Shuttle Transition Liaison Office within the Office of Human Capital Management of NASA to assist local communities affected by the termination of the Space Shuttle program in mitigating the negative impacts on such communities caused by such termination. The plan shall define the size of the affected local community that would receive assistance described in paragraph (2).

(2) MANNER OF ASSISTANCE.—In providing assistance under paragraph (1), the office established under such paragraph shall—

(A) offer nonfinancial, technical assistance to communities described in such paragraph to assist in the mitigation described in such paragraph; and

(B) serve as a clearinghouse to assist such communities in identifying services available from other Federal, State, and local agencies to assist in such mitigation.

(3) TERMINATION OF OFFICE.—The office established under paragraph (1) shall terminate 2 years after the completion of the last Space Shuttle flight.

(4) SUBMISSION.—Not later than 180 days after the date of enactment of this Act, NASA shall provide a copy of the plan required by paragraph (1) to the Congress.

SEC. 614. AEROSPACE SKILLS RETENTION AND INVESTMENT REUTILIZATION REPORT.

(a) IN GENERAL.—The Administrator shall, in consultation with other Federal agencies, as appropriate—

(1) carry out an analysis of the facilities and human capital resources that will become available as a result of the retirement of the Space Shuttle program; and

(2) identify on-going or future Federal programs and projects that could use such facilities and resources.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report—

(1) on the analysis required by paragraph (1) of subsection (a), including the findings of the Administrator with respect to such analysis; and

(2) describing the programs and projects identified under paragraph (2) of such subsection.

SEC. 615. TEMPORARY CONTINUATION OF COVERAGE OF HEALTH BENEFITS.

(a) IN GENERAL.—Section 8905a(d) of title 5, United States Code, is amended by adding at the end the following new paragraph:

''(6)(A) If the basis for continued coverage under this section is, as a result of the termination of the Space Shuttle Program, an involuntary separation from a position due to a reduction-in-force or declination of a directed reassignment or transfer of function, or a voluntary separation from a surplus position in the National Aeronautics and Space Administration—

''(i) the individual shall be liable for not more than the employee contributions referred to in paragraph (1)(A)(i); and

''(ii) the National Aeronautics and Space Administration shall pay the remaining portion of the amount required under paragraph (1)(A).

''(B) This paragraph shall only apply with respect to individuals whose continued coverage is based on a separation occurring on or after the date of enactment of this paragraph and before December 31, 2010.

''(C) For purposes of this paragraph, 'surplus position' means a position which is—

''(i) identified in pre-reduction-in-force planning as no longer required, and which is expected to be eliminated under formal reduction-in-force procedures as a result of the termination of the Space Shuttle Program; or

''(ii) encumbered by an employee who has received official certification from the National Aeronautics and Space Administration consistent with the Administration's career transition assistance program regulations that the position is being abolished as a result of the termination of the Space Shuttle Program.''.

(b) CONFORMING AMENDMENT.—Paragraph (1)(A) of such subsection (d) is amended by striking ''(4) and (5)'' and inserting ''(4), (5), and (6)''.

SEC. 616. ACCOUNTING REPORT.

Within 180 days after the date of enactment of this Act, the Administrator shall provide to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that will summarize any actions taken or planned to be taken during fiscal years 2008 and 2009 to begin reductions in expenditures and activities related to the Space Shuttle program. The report shall include a summary of any actual or anticipated cost savings to the Space Shuttle program relative to the FY 2008 and FY 2009 Space Shuttle program budgets and runout projections as a result of such actions, as well as a summary of any actual or anticipated liens or budgetary challenges to the Space Shuttle program during fiscal years 2008 and 2009.

Subtitle C—Launch Services

SEC. 621. LAUNCH SERVICES STRATEGY.

(a) IN GENERAL.—In preparation for the award of contracts to follow up on the current NASA Launch Services (NLS) contracts, the Administrator shall develop a strategy for providing domestic commercial launch services in support of NASA's small and medium-sized Science, Space Operations, and Exploration missions, consistent with current law and policy.

(b) REPORT.—The Administrator shall transmit a report to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate describing the strategy developed under subsection (a) not later than 90 days after the date of enactment of this Act. The report shall provide, at a minimum—

(1) the results of the Request for Information on small to medium-sized launch services released on April 22, 2008;

(2) an analysis of possible alternatives to maintain small and medium-sized lift capabilities after June 30, 2010, including the use of the Department of Defense's Evolved Expendable Launch Vehicle (EELV);

(3) the recommended alternatives, and associated 5-year budget plans starting in October 2010 that would enable their implementation; and

(4) a contingency plan in the event the recommended alternatives described in paragraph (3) are not available when needed.

TITLE VII—EDUCATION

SEC. 701. RESPONSE TO REVIEW.

(a) PLAN.—The Administrator shall prepare a plan identifying actions taken or planned in response to the recommendations of the National Academies report, ''NASA's Elementary and Secondary Education Program: Review and Critique''. For those actions that have not been implemented, the plan shall include a schedule and budget required to support the actions.

(b) REPORT.—The plan prepared under subsection (a) shall be transmitted to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 1 year after the date of enactment of this Act.

SEC. 702. EXTERNAL REVIEW OF EXPLORER SCHOOLS PROGRAM.

(a) REVIEW.—The Administrator shall make arrangements for an independent external review of the Explorer Schools program to evaluate its goals, status, plans, and accomplishments.

(b) REPORT.—The report of the independent external review shall be transmitted to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 1 year after the date of enactment of this Act.

SEC. 703. SENSE OF CONGRESS ON EARTHKAM AND ROBOTICS COMPETITIONS.

It is the sense of Congress that NASA's educational programs are important sources

of inspiration and hands-on learning for the next generation of engineers and scientists and should be supported. In that regard, programs such as EarthKAM, which brings NASA directly into American classrooms by enabling students to talk directly with astronauts aboard the International Space Station and to take photographs of Earth from space, and NASA involvement in robotics competitions for students of all levels, are particularly worthy undertakings and NASA should support them and look for additional opportunities to engage students through NASA's space and aeronautics activities.

SEC. 704. ENHANCEMENT OF EDUCATIONAL ROLE OF NASA.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the International Space Station offers a unique opportunity for Federal agencies to engage students in science, technology, engineering, and mathematics education. Congress encourages NASA to include other Federal agencies in its planning efforts to use the International Space Station National Laboratory for science, technology, engineering, and mathematics educational activities.

(b) EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH.—In order to ensure that research expertise and talent throughout the Nation is developed and engaged in NASA research and education activities, NASA shall, as part of its annual budget submission, detail additional steps that can be taken to further integrate the participating EPSCoR States in both existing and new or emerging NASA research programs and center activities.

(c) NATIONAL SPACE GRANT COLLEGE AND FELLOWSHIP PROGRAM.—NASA shall continue its emphasis on the importance of education to expand opportunities for Americans to understand and participate in NASA's aeronautics and space projects by supporting and enhancing science and engineering education, research, and public outreach efforts.

TITLE VIII—NEAR-EARTH OBJECTS

SEC. 801. REAFFIRMATION OF POLICY.

(a) REAFFIRMATION OF POLICY ON SURVEYING NEAR-EARTH ASTEROIDS AND COMETS.—Congress reaffirms the policy set forth in section 102(g) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451(g)) (relating to surveying near-Earth asteroids and comets).

(b) SENSE OF CONGRESS ON BENEFITS OF NEAR-EARTH OBJECT PROGRAM ACTIVITIES.—It is the sense of Congress that the near-Earth object program activities of NASA will provide benefits to the scientific and exploration activities of NASA.

SEC. 802. FINDINGS.

Congress makes the following findings:

(1) Near-Earth objects pose a serious and credible threat to humankind, as many scientists believe that a major asteroid or comet was responsible for the mass extinction of the majority of the Earth's species, including the dinosaurs, nearly 65,000,000 years ago.

(2) Several such near-Earth objects have only been discovered within days of the objects' closest approach to Earth and recent discoveries of such large objects indicate that many large near-Earth objects remain undiscovered.

(3) Asteroid and comet collisions rank as one of the most costly natural disasters that can occur.

(4) The time needed to eliminate or mitigate the threat of a collision of a potentially hazardous near-Earth object with Earth is measured in decades.

(5) Unlike earthquakes and hurricanes, asteroids and comets can provide adequate collision information, enabling the United States to include both asteroid-collision and comet-collision disaster recovery and disaster avoidance in its public-safety structure.

(6) Basic information is needed for technical and policy decisionmaking for the United States to create a comprehensive program in order to be ready to eliminate and mitigate the serious and credible threats to humankind posed by potentially hazardous near-Earth asteroids and comets.

(7) As a first step to eliminate and to mitigate the risk of such collisions, situation and decision analysis processes, as well as procedures and system resources, must be in place well before a collision threat becomes known.

SEC. 803. REQUESTS FOR INFORMATION.

The Administrator shall issue requests for information on—

(1) a low-cost space mission with the purpose of rendezvousing with, attaching a tracking device, and characterizing the Apophis asteroid; and

(2) a medium-sized space mission with the purpose of detecting near-Earth objects equal to or greater than 140 meters in diameter.

SEC. 804. ESTABLISHMENT OF POLICY WITH RESPECT TO THREATS POSED BY NEAR-EARTH OBJECTS.

Within 2 years after the date of enactment of this Act, the Director of the OSTP shall—

(1) develop a policy for notifying Federal agencies and relevant emergency response institutions of an impending near-Earth object threat, if near-term public safety is at risk; and

(2) recommend a Federal agency or agencies to be responsible for—

(A) protecting the United States from a near-Earth object that is expected to collide with Earth; and

(B) implementing a deflection campaign, in consultation with international bodies, should one be necessary.

SEC. 805. PLANETARY RADAR CAPABILITY.

The Administrator shall maintain a planetary radar that is comparable to the capability provided through the Deep Space Network Goldstone facility of NASA.

SEC. 806. ARECIBO OBSERVATORY.

Congress reiterates its support for the use of the Arecibo Observatory for NASA-funded near-Earth object-related activities. The Administrator, using funds authorized in section 101(a)(1)(B), shall ensure the availability of the Arecibo Observatory's planetary radar to support these activities until the National Academies' review of NASA's approach for the survey and deflection of near-Earth objects, including a determination of the role of Arecibo, that was directed to be undertaken by the Fiscal Year 2008 Omnibus Appropriations Act, is completed.

SEC. 807. INTERNATIONAL RESOURCES.

It is the sense of Congress that, since an estimated 25,000 asteroids of concern have yet to be discovered and monitored, the United States should seek to obtain commitments for cooperation from other nations with significant resources for contributing to a thorough and timely search for such objects and an identification of their characteristics.

TITLE IX—COMMERCIAL INITIATIVES

SEC. 901. SENSE OF CONGRESS.

It is the sense of Congress that a healthy and robust commercial sector can make significant contributions to the successful conduct of NASA's space exploration program. While some activities are inherently governmental in nature, there are many other activities, such as routine supply of water, fuel, and other consumables to low Earth orbit or to destinations beyond low Earth orbit, and provision of power or communications services to lunar outposts, that potentially could be carried out effectively and efficiently by the commercial sector at some point in the future. Congress encourages NASA to look for such service opportunities and, to the maximum extent practicable, make use of the commercial sector to provide those services. It is further the sense of Congress that United States entrepreneurial space companies have the potential to develop and deliver innovative technology solutions at affordable costs. NASA is encouraged to use United States entrepreneurial space companies to conduct appropriate research and development activities. NASA is further encouraged to seek ways to ensure that firms that rely on fixed-price proposals are not disadvantaged when NASA seeks to procure technology development.

SEC. 902. COMMERCIAL CREW INITIATIVE.

(a) IN GENERAL.—In order to stimulate commercial use of space, help maximize the utility and productivity of the International Space Station, and enable a commercial means of providing crew transfer and crew rescue services for the International Space Station, NASA shall—

(1) make use of United States commercially provided International Space Station crew transfer and crew rescue services to the maximum extent practicable, if those commercial services have demonstrated the capability to meet NASA-specified ascent, entry, and International Space Station proximity operations safety requirements;

(2) limit, to the maximum extent practicable, the use of the Crew Exploration Vehicle to missions carrying astronauts beyond low Earth orbit once commercial crew transfer and crew rescue services that meet safety requirements become operational;

(3) facilitate, to the maximum extent practicable, the transfer of NASA-developed technologies to potential United States commercial crew transfer and rescue service providers, consistent with United States law; and

(4) issue a notice of intent, not later than 180 days after the date of enactment of this Act, to enter into a funded, competitively awarded Space Act Agreement with 2 or more commercial entities for a Phase 1 Commercial Orbital Transportation Services crewed vehicle demonstration program.

(b) CONGRESSIONAL INTENT.—It is the intent of Congress that funding for the program described in subsection (a)(4) shall not come at the expense of full funding of the amounts authorized under section 101(3)(A), and for future fiscal years, for Orion Crew Exploration Vehicle development, Ares I Crew Launch Vehicle development, or International Space Station cargo delivery.

(c) ADDITIONAL TECHNOLOGIES.—NASA shall make International Space Station-compatible docking adaptors and other relevant technologies available to the commercial crew providers selected to service the International Space Station.

(d) CREW TRANSFER AND CREW RESCUE SERVICES CONTRACT.—If a commercial provider demonstrates the capability to provide International Space Station crew transfer and crew rescue services and to satisfy NASA ascent, entry, and International Space Station proximity operations safety requirements, NASA shall enter into an International Space Station crew transfer and crew rescue services contract with that commercial provider for a portion of NASA's anticipated International Space Station crew transfer and crew rescue requirements from the time the commercial provider commences operations under contract with NASA through calendar year 2016, with an option to extend the period of performance through calendar year 2020.

TITLE X—REVITALIZATION OF NASA INSTITUTIONAL CAPABILITIES

SEC. 1001. REVIEW OF INFORMATION SECURITY CONTROLS.

(a) REPORT ON CONTROLS.—Not later than one year after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a review of information security controls that protect NASA's information technology resources and information from inadvertent or deliberate misuse, fraudulent use, disclosure, modification, or destruction. The review shall focus on networks servicing NASA's mission directorates. In assessing these controls, the review shall evaluate—

(1) the network's ability to limit, detect, and monitor access to resources and information, thereby safeguarding and protecting them from unauthorized access;

(2) the physical access to network resources; and

(3) the extent to which sensitive research and mission data is encrypted.

(b) RESTRICTED REPORT ON INTRUSIONS.—Not later than one year after the date of enactment of this Act, and in conjunction with the report described in subsection (a), the Comptroller General shall transmit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a restricted report detailing results of vulnerability assessments conducted by the Government Accountability Office on NASA's network resources. Intrusion attempts during such vulnerability assessments shall be divulged to NASA senior management prior to their application. The report shall put vulnerability assessment results in the context of unauthorized accesses or attempts during the prior two years and the corrective actions, recent or ongoing, that NASA has implemented in conjunction with other Federal authorities to prevent such intrusions.

SEC. 1002. MAINTENANCE AND UPGRADE OF CENTER FACILITIES.

(a) IN GENERAL.—In order to sustain healthy Centers that are capable of carrying out NASA's missions, the Administrator shall ensure that adequate maintenance and upgrading of those Center facilities is performed on a regular basis.

(b) REVIEW.—The Administrator shall determine and prioritize the maintenance and upgrade backlog at each of NASA's Centers and associated facilities, and shall develop a strategy and budget plan to reduce that maintenance and upgrade backlog by 50 percent over the next five years.

(c) REPORT.—The Administrator shall deliver a report to Congress on the results of the activities undertaken in subsection (b) concurrently with the delivery of the fiscal year 2011 budget request.

SEC. 1003. ASSESSMENT OF NASA LABORATORY CAPABILITIES.

(a) IN GENERAL.—NASA's laboratories are a critical component of NASA's research capabilities, and the Administrator shall ensure that those laboratories remain productive.

(b) REVIEW.—The Administrator shall enter into an arrangement for an independent external review of NASA's laboratories, including laboratory equipment, facilities, and support services, to determine whether they are equipped and maintained at a level adequate to support NASA's research activities. The assessment shall also include an assessment of the relative quality of NASA's in-house laboratory equipment and facilities compared to comparable laboratories elsewhere. The results of the review shall be provided to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 18 months after the date of enactment of this Act.

SEC. 1004. STUDY AND REPORT ON PROJECT ASSIGNMENT AND WORK ALLOCATION OF FIELD CENTERS.

(a) STUDY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall complete a study of all field centers of NASA, including the Michoud Assembly Facility.

(2) MATTERS STUDIED.—The study required by paragraph (1) shall include the mission and future roles and responsibilities of the field centers, including the Michoud Assembly Facility, described in paragraph (1).

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the appropriate congressional committees a report on the study required by subsection (a)(1).

(2) CONTENT.—The report required by paragraph (1) shall include the following:

(A) A comprehensive analysis of the work allocation of all field centers of NASA, including the Michoud Assembly Facility.

(B) A description of the program and project roles, functions, and activities assigned to each field center, including the Michoud Assembly Facility.

(C) Details on how field centers, including the Michoud Assembly Facility, are selected and designated for lead and support role work assignments (including program and contract management assignments).

TITLE XI—OTHER PROVISIONS

SEC. 1101. SPACE WEATHER.

(a) PLAN FOR REPLACEMENT OF ADVANCED COMPOSITION EXPLORER AT L-1 LAGRANGIAN POINT.—

(1) PLAN.—The Director of OSTP shall develop a plan for sustaining space-based measurements of solar wind from the L-1 Lagrangian point in space and for the dissemination of the data for operational purposes. OSTP shall consult with NASA, NOAA, and other Federal agencies, and with industry, in developing the plan.

(2) REPORT.—The Director shall transmit the plan to Congress not later than 1 year after the date of enactment of this Act.

(b) ASSESSMENT OF THE IMPACT OF SPACE WEATHER ON AVIATION.—

(1) STUDY.—The Director of OSTP shall enter into an arrangement with the National Research Council for a study of the impacts of space weather on the current and future United States aviation industry, and in particular to examine the risks for Over-The-Pole (OTP) and Ultra-Long-Range (ULR) operations. The study shall—

(A) examine space weather impacts on, at a minimum, communications, navigation, avionics, and human health in flight;

(B) assess the benefits of space weather information and services to reduce aviation costs and maintain safety; and

(C) provide recommendations on how NOAA, the National Science Foundation, and other relevant agencies, can most effectively carry out research and monitoring activities related to space weather and aviation.

(2) REPORT.—A report containing the results of the study shall be provided to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 1 year after the date of enactment of this Act.

SEC. 1102. INITIATION OF DISCUSSIONS ON DEVELOPMENT OF FRAMEWORK FOR SPACE TRAFFIC MANAGEMENT.

(a) FINDING.—Congress finds that as more countries acquire the capability for launching payloads into outer space, there is an increasing need for a framework under which information intended to promote safe access into outer space, operations in outer space, and return from outer space to Earth free from physical or radio-frequency interference can be shared among those countries.

(b) DISCUSSIONS.—The Administrator shall, in consultation with such other agencies of the Federal Government as the Administrator considers appropriate, initiate discussions with the appropriate representatives of other space-faring countries to determine an appropriate frame-work under which information intended to promote safe access into outer space, operations in outer space, and return from outer space to Earth free from physical or radio-frequency interference can be shared among those nations.

SEC. 1103. ASTRONAUT HEALTH CARE.

(a) SURVEY.—The Administrator shall administer an anonymous survey of astronauts and flight surgeons to evaluate communication, relationships, and the effectiveness of policies. The survey questions and the analysis of results shall be evaluated by experts independent of NASA. The survey shall be administered on at least a biennial basis.

(b) REPORT.—The Administrator shall transmit a report of the results of the survey to Congress not later than 90 days following completion of the survey.

SEC. 1104. NATIONAL ACADEMIES DECADAL SURVEYS.

(a) IN GENERAL.—The Administrator shall enter into agreements on a periodic basis with the National Academies for independent assessments, also known as decadal surveys, to take stock of the status and opportunities for Earth and space science discipline fields and Aeronautics research and to recommend priorities for research and programmatic areas over the next decade.

(b) INDEPENDENT COST ESTIMATES.—The agreements described in subsection(a) shall include independent estimates of the life cycle costs and technical readiness of missions assessed in the decadal surveys whenever possible.

(c) REEXAMINATION.—The Administrator shall request that each National Academies decadal survey committee identify any conditions or events, such as significant cost growth or scientific or technological advances, that would warrant NASA asking the National Academies to reexamine the priorities that the decadal survey had established.

SEC. 1105. INNOVATION PRIZES.

(a) IN GENERAL.—Prizes can play a useful role in encouraging innovation in the development of technologies and products that can assist NASA in its aeronautics and space activities, and the use of such prizes by NASA should be encouraged.

(b) AMENDMENTS.—Section 314 of the National Aeronautics and Space Act of 1958 is amended—

(1) by amending subsection (b) to read as follows:

''(b) TOPICS.—In selecting topics for prize competitions, the Administrator shall consult widely both within and outside the Federal Government, and may empanel advisory committees. The Administrator shall give consideration to prize goals such as the demonstration of the ability to provide energy to the lunar surface from space-based solar power systems, demonstration of innovative near-Earth object survey and deflection strategies, and innovative approaches to improving the safety and efficiency of aviation systems.''; and

(2) in subsection (i)(4) by striking ''$10,000,000'' and inserting ''$50,000,000''.

SEC. 1106. COMMERCIAL SPACE LAUNCH RANGE STUDY.

(a) STUDY BY INTERAGENCY COMMITTEE.—The Director of OSTP shall work with other appropriate Federal agencies to establish an interagency committee to conduct a study to—

(1) identify the issues and challenges associated with establishing space launch ranges and facilities that are fully dedicated to commercial space missions in close proximity to Federal launch ranges or other Federal facilities; and

(2) develop a coordinating mechanism such that States seeking to establish such commercial space launch ranges will be able to effectively and efficiently interface with the Federal Government concerning issues related to the establishment of such commercial launch ranges in close proximity to Federal launch ranges or other Federal facilities.

(b) REPORT.—The Director shall, not later than May 31, 2010, submit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study conducted under subsection (a).

SEC. 1107. NASA OUTREACH PROGRAM.

(a) ESTABLISHMENT.—NASA shall competitively select an organization to partner with NASA centers, aerospace contractors, and academic institutions to carry out a program to help promote the competitiveness of small, minority-owned, and women-owned businesses in communities across the United States through enhanced insight into the technologies of NASA's space and aeronautics programs. The program shall support the mission of NASA's Innovative Partnerships Program with its emphasis on joint partnerships with industry, academia, government agencies, and national laboratories.

(b) PROGRAM STRUCTURE.—In carrying out the program described in subsection (a), the organization shall support the mission of NASA's Innovative Partnerships Program by undertaking the following activities:

(1) Facilitating the enhanced insight of the private sector into NASA's technologies in order to increase the competitiveness of the private sector in producing viable commercial products.

(2) Creating a network of academic institutions, aerospace contractors, and NASA centers that will commit to donating appropriate technical assistance to small businesses, giving preference to socially and economically disadvantaged small business concerns, small business concerns owned and controlled by service-disabled veterans, and HUBZone small business concerns. This paragraph shall not apply to any contracting actions entered into or taken by NASA.

(3) Creating a network of economic development organizations to increase the awareness and enhance the effectiveness of the program nationwide.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Administrator shall submit a report to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate describing the efforts and accomplishments of the program established under subsection (a) in support of NASA's Innovative Partnerships Program. As part of the report, the Administrator shall provide—

(1) data on the number of small businesses receiving assistance, jobs created and retained, and volunteer hours donated by NASA, contractors, and academic institutions nationwide;

(2) an estimate of the total dollar value of the economic impact made by small businesses that received technical assistance through the program; and

(3) an accounting of the use of funds appropriated for the program.

SEC. 1108. REDUCTION-IN-FORCE MORATORIUM.

NASA shall not initiate or implement a reduction-in-force, or conduct any other involuntary separations of permanent, non-Senior Executive Service, civil servant employees before December 31, 2010, except for cause on charges of misconduct, delinquency, or inefficiency.

SEC. 1109. PROTECTION OF SCIENTIFIC CREDIBILITY, INTEGRITY, AND COMMUNICATION WITHIN NASA.

(a) SENSE OF THE CONGRESS.—It is the sense of Congress that NASA should not dilute, distort, suppress, or impede scientific research or the dissemination thereof.

(b) STUDY.—Within 60 days after the date of enactment of this Act, the Comptroller General shall—

(1) initiate a study to be completed within 270 days to determine whether the regulations set forth in part 1213 of title 14, Code of Federal Regulations, are being implemented in a clear and consistent manner by NASA to ensure the dissemination of research; and

(2) transmit a report to the Congress setting forth the Comptroller General's findings, conclusions, and recommendations.

(c) RESEARCH.—The Administrator shall work to ensure that NASA's policies on the sharing of climate related data respond to the recommendations of the Government Accountability Office's report on climate change research and data-sharing policies and to the recommendations on the processing, distribution, and archiving of data by the National Academies Earth Science Decadal Survey, ''Earth Science and Applications from Space'', and other relevant National Academies reports, to enhance and facilitate their availability and widest possible use to ensure public access to accurate and current data on global warming.

SEC. 1110. SENSE OF CONGRESS REGARDING THE NEED FOR A ROBUST WORKFORCE.

It is the sense of Congress that—

(1) a robust and highly skilled workforce is critical to the success of NASA's programs;

(2) voluntary attrition, the retirement of many senior workers, and difficulties in recruiting could leave NASA without access to the intellectual capital necessary to compete with its global competitors; and

(3) NASA should work cooperatively with other agencies of the United States Government responsible for programs related to space and the aerospace industry to develop and implement policies, including those with an emphasis on improving science, technology, engineering, and mathematics education at all levels, to sustain and expand the diverse workforce available to NASA.

SEC. 1111. METHANE INVENTORY.

Within 12 months after the date of enactment of this Act, the Director of OSTP, in conjunction with the Administrator, the Administrator of NOAA, and other appropriate Federal agencies and academic institutions, shall develop a plan, including a cost estimate and timetable, and initiate an inventory of natural methane stocks and fluxes in the polar region of the United States.

SEC. 1112. EXCEPTION TO ALTERNATIVE FUEL PROCUREMENT REQUIREMENT.

Section 526(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17142(a)) does not prohibit NASA from entering into a contract to purchase a generally available fuel that is not an alternative or synthetic fuel or predominantly produced from a nonconventional petroleum source, if—

(1) the contract does not specifically require the contractor to provide an alternative or synthetic fuel or fuel from a nonconventional petroleum source;

(2) the purpose of the contract is not to obtain an alternative or synthetic fuel or fuel from a nonconventional petroleum source; and

(3) the contract does not provide incentives for a refinery upgrade or expansion to allow a refinery to use or increase its use of fuel from a nonconventional petroleum source.

SEC. 1113. SENSE OF CONGRESS ON THE IMPORTANCE OF THE NASA OFFICE OF PROGRAM ANALYSIS AND EVALUATION.

(a) OFFICE OF PROGRAM ANALYSIS AND EVALUATION.—It is the sense of Congress that it is important for NASA to maintain an Office of Program Analysis and Evaluation that has as its mission:

(1) To develop strategic plans for NASA in accordance with section 306 of title 5, United States Code.

(2) To develop annual performance plans for NASA in accordance with section 1115 of title 31, United States Code.

(3) To provide analysis and recommendations to the Administrator on matters relating to the planning and programming phases of the Planning, Programming, Budgeting, and Execution system of NASA.

(4) To provide analysis and recommendations to the Administrator on matters relating to acquisition management and program oversight, including cost-estimating processes, contractor cost reporting processes, and contract performance assessments.

(b) OBJECTIVES.—It is further the sense of Congress that in performing those functions, the objectives of the Office should be the following:

(1) To align NASA's mission, strategic plan, budget, and performance plan with strategic goals and institutional requirements of NASA.

(2) To provide objective analysis of programs and institutions of NASA—

(A) to generate investment options for NASA; and

(B) to inform strategic decision making in NASA.

(3) To enable cost-effective, strategically aligned execution of programs and projects by NASA.

(4) To perform independent cost estimation in support of NASA decision making and establishment of standards for agency cost analysis.

(5) To ensure that budget formulation and execution are consistent with strategic investment decisions of NASA.

(6) To provide independent program and project reviews that address the credibility of technical, cost, schedule, risk, and management approaches with respect to available resources.

(7) To facilitate progress by NASA toward meeting the commitments of NASA.

SEC. 1114. SENSE OF CONGRESS ON ELEVATING THE IMPORTANCE OF SPACE AND AERONAUTICS WITHIN THE EXECUTIVE OFFICE OF THE PRESIDENT.

It is the sense of Congress that the President should elevate the importance of space and aeronautics within the Executive Office of the President by organizing the interagency focus on space and aeronautics matters in as effective a manner as possible, such as by means of the National Space Council authorized by section 501 of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1989 (42 U.S.C. 2471) or other appropriate mechanisms.

SEC. 1115. STUDY ON LEASING PRACTICES OF FIELD CENTERS.

(a) STUDY.—Not later than 180 days after the date of enactment of this Act, the Administrator shall complete a study on the

leasing practices of all field centers of NASA, including the Michoud Assembly Facility. Such study shall include the following:

(1) The method by which overhead maintenance expenses are distributed among tenants of such field centers.

(2) Identification of the impacts of such method on attracting businesses and partnerships to such field centers.

(3) Identification of the steps that can be taken to mitigate any adverse impacts identified under paragraph (2).

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the study required by subsection (a), including the following:

(1) The findings of the Administrator with respect to such study.

(2) A description of the impacts identified under subsection (a)(2).

(3) The steps identified under subsection (a)(3).

SEC. 1116. COOPERATIVE UNMANNED AERIAL VEHICLE ACTIVITIES.

The Administrator, in cooperation with the Administrator of NOAA and in coordination with other agencies that have existing civil capabilities, shall continue to utilize the capabilities of unmanned aerial vehicles as appropriate in support of NASA and interagency cooperative missions. The Administrator may enter into cooperative agreements with universities with unmanned aerial vehicle programs and related assets to conduct collaborative research and development activities, including development of appropriate applications of small unmanned aerial vehicle technologies and systems in remote areas.

SEC. 1117. DEVELOPMENT OF ENHANCED-USE LEASE POLICY.

(a) IN GENERAL.—The Administrator shall develop an agency-wide enhanced-use lease policy that—

(1) is based upon sound business practices and lessons learned from the demonstration centers; and

(2) establishes controls and procedures to ensure accountability and protect the interests of the Government.

(b) CONTENTS.—The policy required by subsection (a) shall include the following:

(1) Criteria for determining whether enhanced-use lease provides better economic value to the Government than other options, such as—

(A) Federal financing through appropriations; or

(B) sale of the property.

(2) Requirement for the identification of proposed physical and procedural changes needed to ensure security and restrict access to specified areas, coordination of proposed changes with existing site tenants, and development of estimated costs of such changes.

(3) Measures of effectiveness for the enhanced-use lease program.

(4) Accounting controls and procedures to ensure accountability, such as an audit trail and documentation to readily support financial transactions.

(c) ANNUAL REPORT.—Section 315(f) of the National Aeronautics and Space Administration Act of 1958 (42 U.S.C. 2459j(f)) is amended to read as follows:

''(f) REPORTING REQUIREMENTS.—The Administrator shall submit an annual report by January 31st of each year. Such report shall include the following:

''(1) Information that identifies and quantifies the value of the arrangements and expenditures of revenues received under this section.

''(2) The availability and use of funds received under this section for the Agency's operating plan.''.

(d) DISTRIBUTION OF CASH CONSIDERATION RECEIVED.—

(1) IN GENERAL.—Section 315(b)(3)(B) of such Act (42 U.S.C. 2459j(b)(3)(B)) is amended to read as follows:

''(B) Of any amounts of cash consideration received under this subsection that are not utilized in accordance with subparagraph (A)—

''(i) 35 percent shall be deposited in a capital asset account to be established by the Administrator, shall be available for maintenance, capital revitalization, and improvements of the real property assets and related personal property under the jurisdiction of the Administrator, and shall remain available until expended; and

''(ii) the remaining 65 percent shall be available to the respective center or facility of the Administration engaged in the lease of nonexcess real property, and shall remain available until expended for maintenance, capital revitalization, and improvements of the real property assets and related personal property at the respective center or facility subject to the concurrence of the Administrator.''.

(2) CONFORMING AMENDMENTS.—Section 533 of the Consolidated Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 1931) is amended—

(A) by amending subsection (b)(4) to read as follows:

''(4) in paragraph (2), as redesignated by paragraph (3) of this subsection, by adding at the end the following new subparagraph:

'' ''(C) Amounts utilized under subparagraph (B) may not be utilized for daily operating costs.'.''; and

(B) in subsection (d)—

(i) by striking ''the following new subsection (f)'' and inserting ''the following new subsection''; and

(ii) in the quoted matter, by redesignating subsection (f) as subsection (g).

SEC. 1118. SENSE OF CONGRESS WITH RESPECT TO THE MICHOUD ASSEMBLY FACILITY AND NASA'S OTHER CENTERS AND FACILITIES.

It is the sense of Congress that the Michoud Assembly Facility represents a unique resource in the facilitation of the Nation's exploration programs and that every effort should be made to ensure the effective utilization of that resource, as well as NASA's other centers and facilities.

SEC. 1119. REPORT ON U.S. INDUSTRIAL BASE FOR LAUNCH VEHICLE ENGINES.

Not later than 180 days after the date of Enactment of this Act, the Director of the Office of Science and Technology Policy shall submit to Congress a report setting forth the assessment of the Director as to the capacity of the United States industrial base for development and production of engines to meet United States Government and commercial requirements for space launch vehicles. The Report required by this section shall include information regarding existing, pending, and planned engine developments across a broad spectrum of thrust capabilities, including propulsion for sub-orbital, small, medium, and heavy-lift space launch vehicles.

SEC. 1120. SENSE OF CONGRESS ON PRECURSOR INTERNATIONAL SPACE STATION RESEARCH.

It is the Sense of Congress that NASA is taking positive steps to utilize the Space Shuttle as a platform for precursor International Space Station research by maximizing to the extent practicable the use of middeck accommodations, including soft stowage, for near-term scientific and commercial applications on remaining Space Shuttle flights, and the Administrator is strongly encouraged to continue to promote the effective utilization of the Space Shuttle for precursor research within the constraints of the International Space Station assembly requirements.

SEC. 1121. LIMITATION ON FUNDING FOR CONFERENCES.

(a) IN GENERAL.—There are authorized to be appropriated not more than $5,000,000 for any expenses related to conferences, including conference programs, travel costs, and related expenses. No funds authorized under this Act may be used to support a Space Flight Awareness Launch Honoree Event conference. The total amount of the funds available under this Act for other Space Flight Awareness Honoree-related activities in fiscal year 2009 may not exceed ½ of the total amount of funds from all sources obligated or expended on such activities in fiscal year 2008.

(b) QUARTERLY REPORTS.—The Administrator shall submit quarterly reports to the Inspector General of NASA regarding the costs and contracting procedures relating to each conference held by NASA during fiscal year 2009 for which the cost to the Government is more than $20,000. Each report shall include, for each conference described in that subsection held during the applicable quarter—

(1) a description of the subject of and number of participants attending, the conference, including the number of NASA employees attending and the number of contractors attending at agency expense;

(2) a detailed statement of the costs to the Government relating to the conference, including—

(A) the cost of any food or beverages;

(B) the cost of any audio-visual services; and

(C) a discussion of the methodology used to determine which costs relate to the conference; and

D) cost of any room, board, travel, and per diem expenses; and

(3) a description of the contracting procedures relating to the conference, including—

(A) whether contracts were awarded on a competitive basis for that conference; and

(B) a discussion of any cost comparison conducted by NASA in evaluating potential contractors for that conference.

SEC. 1122. REPORT ON NASA EFFICIENCY AND PERFORMANCE.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that contains a review of NASA programs and associated activities with an annual funding level of more than $50,000,000 that appear to be similar in scope and purpose to other activities within the Federal government, that includes—

(1) a brief description of each NASA program reviewed and its subordinate activities;

(2) the annual and cumulative appropriation amounts expended for each program reviewed and its subordinate activities since fiscal year 2005;

(3) a brief description of each Federal program and its subordinate activities that appears to have a similar scope and purpose to a NASA program; and

(4) a review of the formal and informal processes by which NASA coordinates with other Federal agencies to ensure that its programs and activities are not duplicative of similar efforts within the Federal government and that the programs and activities meet the core mission of NASA, and the degree of transparency and accountability afforded by those processes.

(b) DUPLICATIVE PROGRAMS.—If the Comptroller General determines, under subsection (a)(4), that any deficiency exists in the NASA procedures intended to avoid or eliminate conflict or duplication with other Federal agency activities, the Comptroller General shall include a recommendation as to how such procedures should be modified to ensure similar programs and associated activities can be consolidated, eliminated, or streamlined within NASA or within other Federal agencies to improve efficiency.

SA 5649. Mr. NELSON of Florida (for Mr. LEVIN (for himself and Mr. VOINOVICH)) proposed an amendment to 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 follows:

Strike section 3(f) and all that follows and insert the following:

(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 $50,000,000 for each of fiscal years 2004 through 2010.''; 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) 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 ''2010''.

SEC. 4. RESEARCH AND DEVELOPMENT PROGRAM.

Section 106(b) of the Great Lakes Legacy Act of 2002 (33 U.S.C. 1271a(b)) is amended by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—In addition to any amounts authorized under other provisions of law, there is authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 2004 through 2010.''.

SA 5650. Mr. DURBIN (for Mr. BIDEN (for himself, Mr. SCHUMER, Mr. HATCH, Mr. BROWN, Mr. ALEXANDER, Mr. CARPER, Mr. ALLARD, Mr. CASEY, Mr. BARRASSO, Mr. DODD, Mr. BROWNBACK, Mrs. MURRAY, Mr. CHAMBLISS, Mr. NELSON of Nebraska, Mr. CRAPO, Mr. NELSON of Florida, Mr. CORNYN, Mr. OBAMA, Mr. COBURN, Mr. PRYOR, Mr. ENZI, Mr. TESTER, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. KYL, Mr. MARTINEZ, Mr. MCCAIN, Mr. ROBERTS, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Mr. SUNUNU, Mr. THUNE, Mr. VITTER, Mr. MCCONNELL, Mr. VOINOVICH, Mr. BENNETT, Mr. SPECTER, and Mr. REID)) proposed an amendment to the bill S. 1738, to require the Department of Justice to develop and implement a National Strategy Child Exploitation Prevention and Interdiction, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute child predators; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Providing Resources, Officers, and Technology To Eradicate Cyber Threats to Our Children Act of 2008'' or the ''PROTECT Our Children Act of 2008''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—NATIONAL STRATEGY FOR CHILD EXPLOITATION PREVENTION AND INTERDICTION

Sec. 101. Establishment of National Strategy for Child Exploitation Prevention and Interdiction.
Sec. 102. Establishment of National ICAC Task Force Program.
Sec. 103. Purpose of ICAC task forces.
Sec. 104. Duties and functions of task forces.
Sec. 105. National Internet Crimes Against Children Data System.
Sec. 106. ICAC grant program.
Sec. 107. Authorization of appropriations.

TITLE II—ADDITIONAL MEASURES TO COMBAT CHILD EXPLOITATION

Sec. 201. Additional regional computer forensic labs.

TITLE III—EFFECTIVE CHILD PORNOGRAPHY PROSECUTION

Sec. 301. Prohibit the broadcast of live images of child abuse.
Sec. 302. Amendment to section 2256 of title 18, United States Code.
Sec. 303. Amendment to section 2260 of title 18, United States Code.
Sec. 304. Prohibiting the adaptation or modification of an image of an identifiable minor to produce child pornography.

TITLE IV—NATIONAL INSTITUTE OF JUSTICE STUDY OF RISK FACTORS

Sec. 401. NIJ study of risk factors for assessing dangerousness.

TITLE V—SECURING ADOLESCENTS FROM ONLINE EXPLOITATION

Sec. 501. Reporting requirements of electronic communication service providers and remote computing service providers.
Sec. 502. Reports.
Sec. 503. Severability.

SEC. 2. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) CHILD EXPLOITATION.—The term ''child exploitation'' means any conduct, attempted conduct, or conspiracy to engage in conduct involving a minor that violates section 1591, chapter 109A, chapter 110, and chapter 117 of title 18, United States Code, or any sexual activity involving a minor for which any person can be charged with a criminal offense.

(2) CHILD OBSCENITY.—The term ''child obscenity'' means any visual depiction proscribed by section 1466A of title 18, United States Code.

(3) MINOR.—The term ''minor'' means any person under the age of 18 years.

(4) SEXUALLY EXPLICIT CONDUCT.—The term ''sexually explicit conduct'' has the meaning given such term in section 2256 of title 18, United States Code.

TITLE I—NATIONAL STRATEGY FOR CHILD EXPLOITATION PREVENTION AND INTERDICTION

SEC. 101. ESTABLISHMENT OF NATIONAL STRATEGY FOR CHILD EXPLOITATION PREVENTION AND INTERDICTION.

(a) IN GENERAL.—The Attorney General of the United States shall create and implement a National Strategy for Child Exploitation Prevention and Interdiction.

(b) TIMING.—Not later than 1 year after the date of enactment of this Act and on February 1 of every second year thereafter, the Attorney General shall submit to Congress the National Strategy established under subsection (a).

(c) REQUIRED CONTENTS OF NATIONAL STRATEGY.—The National Strategy established under subsection (a) shall include the following:

(1) Comprehensive long-range, goals for reducing child exploitation.

(2) Annual measurable objectives and specific targets to accomplish long-term, quantifiable goals that the Attorney General determines may be achieved during each year beginning on the date when the National Strategy is submitted.

(3) Annual budget priorities and Federal efforts dedicated to combating child exploitation, including resources dedicated to Internet Crimes Against Children task forces, Project Safe Childhood, FBI Innocent Images Initiative, the National Center for Missing and Exploited Children, regional forensic computer labs, Internet Safety programs, and all other entities whose goal or mission is to combat the exploitation of children that receive Federal support.

(4) A 5-year projection for program and budget goals and priorities.

(5) A review of the policies and work of the Department of Justice related to the prevention and investigation of child exploitation crimes, including efforts at the Office of Justice Programs, the Criminal Division of the Department of Justice, the Executive Office of United States Attorneys, the Federal Bureau of Investigation, the Office of the Attorney General, the Office of the Deputy Attorney General, the Office of Legal Policy, and any other agency or bureau of the Department of Justice whose activities relate to child exploitation.

(6) A description of the Department's efforts to coordinate with international, State, local, tribal law enforcement, and private sector entities on child exploitation prevention and interdiction efforts.

(7) Plans for interagency coordination regarding the prevention, investigation, and apprehension of individuals exploiting children, including cooperation and collaboration with—

(A) Immigration and Customs Enforcement;

(B) the United States Postal Inspection Service;

(C) the Department of State;

(D) the Department of Commerce;

(E) the Department of Education;

(F) the Department of Health and Human Services; and

(G) other appropriate Federal agencies.

(8) A review of the Internet Crimes Against Children Task Force Program, including—

(A) the number of ICAC task forces and location of each ICAC task force;

(B) the number of trained personnel at each ICAC task force;

(C) the amount of Federal grants awarded to each ICAC task force;

(D) an assessment of the Federal, State, and local cooperation in each task force, including—

(i) the number of arrests made by each task force;

(ii) the number of criminal referrals to United States attorneys for prosecution;

(iii) the number of prosecutions and convictions from the referrals made under clause (ii);

(iv) the number, if available, of local prosecutions and convictions based on ICAC task force investigations; and

(v) any other information demonstrating the level of Federal, State, and local coordination and cooperation, as such information is to be determined by the Attorney General;

(E) an assessment of the training opportunities and technical assistance available to support ICAC task force grantees; and

(F) an assessment of the success of the Internet Crimes Against Children Task Force Program at leveraging State and local resources and matching funds.

(9) An assessment of the technical assistance and support available for Federal, State, local, and tribal law enforcement agencies, in the prevention, investigation, and prosecution of child exploitation crimes.

(10) A review of the backlog of forensic analysis for child exploitation cases at each FBI Regional Forensic lab and an estimate of the backlog at State and local labs.

(11) Plans for reducing the forensic backlog described in paragraph (10), if any, at Federal, State and local forensic labs.

(12) A review of the Federal programs related to child exploitation prevention and education, including those related to Internet safety, including efforts by the private sector and nonprofit entities, or any other initiatives, that have proven successful in promoting child safety and Internet safety.

(13) An assessment of the future trends, challenges, and opportunities, including new technologies, that will impact Federal, State, local, and tribal efforts to combat child exploitation.

(14) Plans for liaisons with the judicial branches of the Federal and State governments on matters relating to child exploitation.

(15) An assessment of Federal investigative and prosecution activity relating to reported incidents of child exploitation crimes, which shall include a number of factors, including—

(A) the number of high-priority suspects (identified because of the volume of suspected criminal activity or because of the danger to the community or a potential victim) who were investigated and prosecuted;

(B) the number of investigations, arrests, prosecutions and convictions for a crime of child exploitation; and

(C) the average sentence imposed and statutory maximum for each crime of child exploitation.

(16) A review of all available statistical data indicating the overall magnitude of child pornography trafficking in the United States and internationally, including—

(A) the number of computers or computer users, foreign and domestic, observed engaging in, or suspected by law enforcement agencies and other sources of engaging in, peer-to-peer file sharing of child pornography;

(B) the number of computers or computer users, foreign and domestic, observed engaging in, or suspected by law enforcement agencies and other reporting sources of engaging in, buying and selling, or other commercial activity related to child pornography;

(C) the number of computers or computer users, foreign and domestic, observed engaging in, or suspected by law enforcement agencies and other sources of engaging in, all other forms of activity related to child pornography;

(D) the number of tips or other statistical data from the National Center for Missing and Exploited Children's CybertTipline and other data indicating the magnitude of child pornography trafficking; and

(E) any other statistical data indicating the type, nature, and extent of child exploitation crime in the United States and abroad.

(17) Copies of recent relevant research and studies related to child exploitation, including—

(A) studies related to the link between possession or trafficking of child pornography and actual abuse of a child;

(B) studies related to establishing a link between the types of files being viewed or shared and the type of illegal activity; and

(C) any other research, studies, and available information related to child exploitation.

(18) A review of the extent of cooperation, coordination, and mutual support between private sector and other entities and organizations and Federal agencies, including the involvement of States, local and tribal government agencies to the extent Federal programs are involved.

(19) The results of the Project Safe Childhood Conference or other conferences or meetings convened by the Department of Justice related to combating child exploitation

(d) APPOINTMENT OF HIGH-LEVEL OFFICIAL.—

(1) IN GENERAL.—The Attorney General shall designate a senior official at the Department of Justice to be responsible for coordinating the development of the National Strategy established under subsection (a).

(2) DUTIES.—The duties of the official designated under paragraph (1) shall include—

(A) acting as a liaison with all Federal agencies regarding the development of the National Strategy;

(B) working to ensure that there is proper coordination among agencies in developing the National Strategy;

(C) being knowledgeable about budget priorities and familiar with all efforts within the Department of Justice and the FBI related to child exploitation prevention and interdiction; and

(D) communicating the National Strategy to Congress and being available to answer questions related to the strategy at congressional hearings, if requested by committees of appropriate jurisdictions, on the contents of the National Strategy and progress of the Department of Justice in implementing the National Strategy.

SEC. 102. ESTABLISHMENT OF NATIONAL ICAC TASK FORCE PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established within the Department of Justice, under the general authority of the Attorney General, a National Internet Crimes Against Children Task Force Program (hereinafter in this title referred to as the ''ICAC Task Force Program''), which shall consist of a national program of State and local law enforcement task forces dedicated to developing effective responses to online enticement of children by sexual predators, child exploitation, and child obscenity and pornography cases.

(2) INTENT OF CONGRESS.—It is the purpose and intent of Congress that the ICAC Task Force Program established under paragraph (1) is intended to continue the ICAC Task Force Program authorized under title I of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998, and funded under title IV of the Juvenile Justice and Delinquency Prevention Act of 1974.

(b) NATIONAL PROGRAM.—

(1) STATE REPRESENTATION.—The ICAC Task Force Program established under subsection (a) shall include at least 1 ICAC task force in each State.

(2) CAPACITY AND CONTINUITY OF INVESTIGATIONS.—In order to maintain established capacity and continuity of investigations and prosecutions of child exploitation cases, the Attorney General, shall, in establishing the ICAC Task Force Program under subsection (a) consult with and consider all 59 task forces in existence on the date of enactment of this Act. The Attorney General shall include all existing ICAC task forces in the ICAC Task Force Program, unless the Attorney General makes a determination that an existing ICAC does not have a proven track record of success.

(3) ONGOING REVIEW.—The Attorney General shall—

(A) conduct periodic reviews of the effectiveness of each ICAC task force established under this section; and

(B) have the discretion to establish a new task force if the Attorney General determines that such decision will enhance the effectiveness of combating child exploitation provided that the Attorney General notifies Congress in advance of any such decision and that each state maintains at least 1 ICAC task force at all times.

(4) TRAINING.—

(A) IN GENERAL.—The Attorney General may establish national training programs to support the mission of the ICAC task forces, including the effective use of the National Internet Crimes Against Children Data System.

(B) LIMITATION.—In establishing training courses under this paragraph, the Attorney General may not award any one entity other than a law enforcement agency more than $2,000,000 annually to establish and conduct training courses for ICAC task force members and other law enforcement officials.

(C) REVIEW.—The Attorney General shall—

(i) conduct periodic reviews of the effectiveness of each training session authorized by this paragraph; and

(ii) consider outside reports related to the effective use of Federal funding in making future grant awards for training.

SEC. 103. PURPOSE OF ICAC TASK FORCES.

The ICAC Task Force Program, and each State or local ICAC task force that is part of the national program of task forces, shall be dedicated toward—

(1) increasing the investigative capabilities of State and local law enforcement officers in the detection, investigation, and apprehension of Internet crimes against children offenses or offenders, including technology-facilitated child exploitation offenses;

(2) conducting proactive and reactive Internet crimes against children investigations;

(3) providing training and technical assistance to ICAC task forces and other Federal, State, and local law enforcement agencies in the areas of investigations, forensics, prosecution, community outreach, and capacity-building, using recognized experts to assist in the development and delivery of training programs;

(4) increasing the number of Internet crimes against children offenses being investigated and prosecuted in both Federal and State courts;

(5) creating a multiagency task force response to Internet crimes against children offenses within each State;

(6) participating in the Department of Justice's Project Safe Childhood initiative, the purpose of which is to combat technology-facilitated sexual exploitation crimes against children;

(7) enhancing nationwide responses to Internet crimes against children offenses, including assisting other ICAC task forces, as well as other Federal, State, and local agencies with Internet crimes against children investigations and prosecutions;

(8) developing and delivering Internet crimes against children public awareness and prevention programs; and

(9) participating in such other activities, both proactive and reactive, that will enhance investigations and prosecutions of Internet crimes against children.

SEC. 104. DUTIES AND FUNCTIONS OF TASK FORCES.

Each State or local ICAC task force that is part of the national program of task forces shall—

(1) consist of State and local investigators, prosecutors, forensic specialists, and education specialists who are dedicated to addressing the goals of such task force;

(2) work consistently toward achieving the purposes described in section 103;

(3) engage in proactive investigations, forensic examinations, and effective prosecutions of Internet crimes against children;

(4) provide forensic, preventive, and investigative assistance to parents, educators, prosecutors, law enforcement, and others concerned with Internet crimes against children;

(5) develop multijurisdictional, multiagency responses and partnerships to Internet crimes against children offenses through ongoing informational, administrative, and technological support to other State and local law enforcement agencies, as a means for such agencies to acquire the necessary knowledge, personnel, and specialized equipment to investigate and prosecute such offenses;

(6) participate in nationally coordinated investigations in any case in which the Attorney General determines such participation to be necessary, as permitted by the available resources of such task force;

(7) establish or adopt investigative and prosecution standards, consistent with established norms, to which such task force shall comply;

(8) investigate, and seek prosecution on, tips related to Internet crimes against children, including tips from Operation Fairplay, the National Internet Crimes Against Children Data System established in section 105, the National Center for Missing and Exploited Children's CyberTipline, ICAC task forces, and other Federal, State, and local agencies, with priority being given to investigative leads that indicate the possibility of identifying or rescuing child victims, including investigative leads that indicate a likelihood of seriousness of offense or dangerousness to the community;

(9) develop procedures for handling seized evidence;

(10) maintain—

(A) such reports and records as are required under this title; and

(B) such other reports and records as determined by the Attorney General; and

(11) seek to comply with national standards regarding the investigation and prosecution of Internet crimes against children, as set forth by the Attorney General, to the extent such standards are consistent with the law of the State where the task force is located.

SEC. 105. NATIONAL INTERNET CRIMES AGAINST CHILDREN DATA SYSTEM.

(a) IN GENERAL.—The Attorney General shall establish, consistent with all existing Federal laws relating to the protection of privacy, a National Internet Crimes Against Children Data System. The system shall not be used to search for or obtain any information that does not involve the use of the Internet to facilitate child exploitation.

(b) INTENT OF CONGRESS.—It is the purpose and intent of Congress that the National Internet Crimes Against Children Data System established in subsection (a) is intended to continue and build upon Operation Fairplay developed by the Wyoming Attorney General's office, which has established a secure, dynamic undercover infrastructure that has facilitated online law enforcement investigations of child exploitation, information sharing, and the capacity to collect and aggregate data on the extent of the problems of child exploitation.

(c) PURPOSE OF SYSTEM.—The National Internet Crimes Against Children Data System established under subsection (a) shall be dedicated to assisting and supporting credentialed law enforcement agencies authorized to investigate child exploitation in accordance with Federal, State, local, and tribal laws, including by providing assistance and support to—

(1) Federal agencies investigating and prosecuting child exploitation;

(2) the ICAC Task Force Program established under section 102;

(3) State, local, and tribal agencies investigating and prosecuting child exploitation; and

(4) foreign or international law enforcement agencies, subject to approval by the Attorney General.

(d) CYBER SAFE DECONFLICTION AND INFORMATION SHARING.—The National Internet Crimes Against Children Data System established under subsection (a)—

(1) shall be housed and maintained within the Department of Justice or a credentialed law enforcement agency;

(2) shall be made available for a nominal charge to support credentialed law enforcement agencies in accordance with subsection (c); and

(3) shall—

(A) allow Federal, State, local, and tribal agencies and ICAC task forces investigating and prosecuting child exploitation to contribute and access data for use in resolving case conflicts;

(B) provide, directly or in partnership with a credentialed law enforcement agency, a dynamic undercover infrastructure to facilitate online law enforcement investigations of child exploitation;

(C) facilitate the development of essential software and network capability for law enforcement participants; and

(D) provide software or direct hosting and support for online investigations of child exploitation activities, or, in the alternative, provide users with a secure connection to an alternative system that provides such capabilities, provided that the system is hosted within a governmental agency or a credentialed law enforcement agency.

(e) COLLECTION AND REPORTING OF DATA.—

(1) IN GENERAL.—The National Internet Crimes Against Children Data System established under subsection (a) shall ensure the following:

(A) REAL-TIME REPORTING.—All child exploitation cases involving local child victims that are reasonably detectable using available software and data are, immediately upon their detection, made available to participating law enforcement agencies.

(B) HIGH-PRIORITY SUSPECTS.—Every 30 days, at minimum, the National Internet Crimes Against Children Data System shall—

(i) identify high-priority suspects, as such suspects are determined by the volume of suspected criminal activity or other indicators of seriousness of offense or dangerousness to the community or a potential local victim; and

(ii) report all such identified high-priority suspects to participating law enforcement agencies.

(C) ANNUAL REPORTS.—Any statistical data indicating the overall magnitude of child pornography trafficking and child exploitation in the United States and internationally is made available and included in the National Strategy, as is required under section 101(c)(16).

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the ability of participating law enforcement agencies to disseminate investigative leads or statistical information in accordance with State and local laws.

(f) MANDATORY REQUIREMENTS OF NETWORK.—The National Internet Crimes Against Children Data System established under subsection (a) shall develop, deploy, and maintain an integrated technology and training program that provides—

(1) a secure, online system for Federal law enforcement agencies, ICAC task forces, and other State, local, and tribal law enforcement agencies for use in resolving case conflicts, as provided in subsection (d);

(2) a secure system enabling online communication and collaboration by Federal law enforcement agencies, ICAC task forces, and other State, local, and tribal law enforcement agencies regarding ongoing investigations, investigatory techniques, best practices, and any other relevant news and professional information;

(3) a secure online data storage and analysis system for use by Federal law enforcement agencies, ICAC task forces, and other State, local, and tribal law enforcement agencies;

(4) secure connections or interaction with State and local law enforcement computer networks, consistent with reasonable and established security protocols and guidelines;

(5) guidelines for use of the National Internet Crimes Against Children Data System by Federal, State, local, and tribal law enforcement agencies and ICAC task forces; and

(6) training and technical assistance on the use of the National Internet Crimes Against Children Data System by Federal, State, local, and tribal law enforcement agencies and ICAC task forces.

(g) NATIONAL INTERNET CRIMES AGAINST CHILDREN DATA SYSTEM STEERING COMMITTEE.—The Attorney General shall establish a National Internet Crimes Against Children Data System Steering Committee to provide guidance to the Network relating to the program under subsection (f), and to assist in the development of strategic plans for the System. The Steering Committee shall consist of 10 members with expertise in child exploitation prevention and interdiction prosecution, investigation, or prevention, including—

(1) 3 representatives elected by the local directors of the ICAC task forces, such representatives shall represent different geographic regions of the country;

(2) 1 representative of the Department of Justice Office of Information Services;

(3) 1 representative from Operation Fairplay, currently hosted at the Wyoming Office of the Attorney General;

(4) 1 representative from the law enforcement agency having primary responsibility for hosting and maintaining the National Internet Crimes Against Children Data System;

(5) 1 representative of the Federal Bureau of Investigation's Innocent Images National Initiative or Regional Computer Forensic Lab program;

(6) 1 representative of the Immigration and Customs Enforcement's Cyber Crimes Center;

(7) 1 representative of the United States Postal Inspection Service; and

(8) 1 representative of the Department of Justice.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of the fiscal years 2009 through 2016, $2,000,000 to carry out the provisions of this section.

SEC. 106. ICAC GRANT PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Attorney General is authorized to award grants to State and local ICAC task forces to assist in carrying out the duties and functions described under section 104.

(2) FORMULA GRANTS.—

(A) DEVELOPMENT OF FORMULA.—At least 75 percent of the total funds appropriated to carry out this section shall be available to award or otherwise distribute grants pursuant to a funding formula established by the Attorney General in accordance with the requirements in subparagraph (B).

(B) FORMULA REQUIREMENTS.—Any formula established by the Attorney General under subparagraph (A) shall—

(i) ensure that each State or local ICAC task force shall, at a minimum, receive an amount equal to 0.5 percent of the funds available to award or otherwise distribute grants under subparagraph (A); and

(ii) take into consideration the following factors:

(I) The population of each State, as determined by the most recent decennial census performed by the Bureau of the Census.

(II) The number of investigative leads within the applicant's jurisdiction generated by Operation Fairplay, the ICAC Data Network, the CyberTipline, and other sources.

(III) The number of criminal cases related to Internet crimes against children referred to a task force for Federal, State, or local prosecution.

(IV) The number of successful prosecutions of child exploitation cases by a task force.

(V) The amount of training, technical assistance, and public education or outreach by a task force related to the prevention, investigation, or prosecution of child exploitation offenses.

(VI) Such other criteria as the Attorney General determines demonstrate the level of need for additional resources by a task force.

(3) DISTRIBUTION OF REMAINING FUNDS BASED ON NEED.—

(A) IN GENERAL.—Any funds remaining from the total funds appropriated to carry out this section after funds have been made available to award or otherwise distribute formula grants under paragraph (2)(A) shall be distributed to State and local ICAC task forces based upon need, as set forth by criteria established by the Attorney General. Such criteria shall include the factors under paragraph (2)(B)(ii).

(B) MATCHING REQUIREMENT.—A State or local ICAC task force shall contribute matching non-Federal funds in an amount equal to not less than 25 percent of the amount of funds received by the State or local ICAC task force under subparagraph (A). A State or local ICAC task force that is not able or willing to contribute matching funds in accordance with this subparagraph shall not be eligible for funds under subparagraph (A).

(C) WAIVER.—The Attorney General may waive, in whole or in part, the matching requirement under subparagraph (B) if the State or local ICAC task force demonstrates good cause or financial hardship.

(b) APPLICATION.—

(1) IN GENERAL.—Each State or local ICAC task force seeking a grant under this section shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Attorney General determines to be essential to ensure compliance with the requirements of this title.

(c) ALLOWABLE USES.—Grants awarded under this section may be used to—

(1) hire personnel, investigators, prosecutors, education specialists, and forensic specialists;

(2) establish and support forensic laboratories utilized in Internet crimes against children investigations;

(3) support investigations and prosecutions of Internet crimes against children;

(4) conduct and assist with education programs to help children and parents protect themselves from Internet predators;

(5) conduct and attend training sessions related to successful investigations and prosecutions of Internet crimes against children; and

(6) fund any other activities directly related to preventing, investigating, or prosecuting Internet crimes against children.

(d) REPORTING REQUIREMENTS.—

(1) ICAC REPORTS.—To measure the results of the activities funded by grants under this section, and to assist the Attorney General in complying with the Government Performance and Results Act (Public Law 103–62; 107 Stat. 285), each State or local ICAC task force receiving a grant under this section shall, on an annual basis, submit a report to the Attorney General that sets forth the following:

(A) Staffing levels of the task force, including the number of investigators, prosecutors, education specialists, and forensic specialists dedicated to investigating and prosecuting Internet crimes against children.

(B) Investigation and prosecution performance measures of the task force, including—

(i) the number of investigations initiated related to Internet crimes against children;

(ii) the number of arrests related to Internet crimes against children; and

(iii) the number of prosecutions for Internet crimes against children, including—

(I) whether the prosecution resulted in a conviction for such crime; and

(II) the sentence and the statutory maximum for such crime under State law.

(C) The number of referrals made by the task force to the United States Attorneys office, including whether the referral was accepted by the United States Attorney.

(D) Statistics that account for the disposition of investigations that do not result in arrests or prosecutions, such as referrals to other law enforcement.

(E) The number of investigative technical assistance sessions that the task force provided to nonmember law enforcement agencies.

(F) The number of computer forensic examinations that the task force completed.

(G) The number of law enforcement agencies participating in Internet crimes against children program standards established by the task force.

(2) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit a report to Congress on—

(A) the progress of the development of the ICAC Task Force Program established under section 102; and

(B) the number of Federal and State investigations, prosecutions, and convictions in the prior 12-month period related to child exploitation.

SEC. 107. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title—

(1) $60,000,000 for fiscal year 2009;

(2) $60,000,000 for fiscal year 2010;

(3) $60,000,000 for fiscal year 2011;

(4) $60,000,000 for fiscal year 2012; and

(5) $60,000,000 for fiscal year 2013.

(b) AVAILABILITY.—Funds appropriated under subsection (a) shall remain available until expended.

TITLE II—ADDITIONAL MEASURES TO COMBAT CHILD EXPLOITATION

SEC. 201. ADDITIONAL REGIONAL COMPUTER FORENSIC LABS.

(a) ADDITIONAL RESOURCES.—The Attorney General shall establish additional computer forensic capacity to address the current backlog for computer forensics, including for child exploitation investigations. The Attorney General may utilize funds under this title to increase capacity at existing regional forensic laboratories or to add laboratories under the Regional Computer Forensic Laboratories Program operated by the Federal Bureau of Investigation.

(b) PURPOSE OF NEW RESOURCES.—The additional forensic capacity established by resources provided under this section shall be dedicated to assist Federal agencies, State and local Internet Crimes Against Children task forces, and other Federal, State, and local law enforcement agencies in preventing, investigating, and prosecuting Internet crimes against children.

(c) NEW COMPUTER FORENSIC LABS.—If the Attorney General determines that new regional computer forensic laboratories are required under subsection (a) to best address existing backlogs, such new laboratories shall be established pursuant to subsection (d).

(d) LOCATION OF NEW LABS.—The location of any new regional computer forensic laboratories under this section shall be determined by the Attorney General, in consultation with the Director of the Federal Bureau of Investigation, the Regional Computer Forensic Laboratory National Steering Committee, and other relevant stakeholders.

(e) REPORT.—Not later than 1 year after the date of enactment of this Act, and every year thereafter, the Attorney General shall submit a report to the Congress on how the funds appropriated under this section were utilized.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal years 2009 through 2013, $2,000,000 to carry out the provisions of this section.

TITLE III—EFFECTIVE CHILD PORNOGRAPHY PROSECUTION

SEC. 301. PROHIBIT THE BROADCAST OF LIVE IMAGES OF CHILD ABUSE.

Section 2251 of title 18, United States Code is amended—

(1) in subsection (a), by—

(A) inserting ''or for the purpose of transmitting a live visual depiction of such conduct'' after ''for the purpose of producing any visual depiction of such conduct'';

(B) inserting ''or transmitted'' after ''if such person knows or has reason to know that such visual depiction will be transported'';

(C) inserting ''or transmitted'' after ''if that visual depiction was produced''; and

(D) inserting ''or transmitted'' after ''has actually been transported''; and

(2) in subsection (b), by—

(A) inserting ''or for the purpose of transmitting a live visual depiction of such conduct'' after ''for the purpose of producing any visual depiction of such conduct'';

(B) inserting ''or transmitted'' after ''person knows or has reason to know that such visual depiction will be transported'';

(C) inserting ''or transmitted'' after ''if that visual depiction was produced''; and

(D) inserting ''or transmitted'' after ''has actually been transported''.

SEC. 302. AMENDMENT TO SECTION 2256 OF TITLE 18, UNITED STATES CODE.

Section 2256(5) of title 18, United States Code is amended by—

(1) striking ''and'' before ''data'';

(2) after ''visual image'' by inserting '', and data which is capable of conversion into a visual image that has been transmitted by any means, whether or not stored in a permanent format''.

SEC. 303. AMENDMENT TO SECTION 2260 OF TITLE 18, UNITED STATES CODE.

Section 2260(a) of title 18, United States Code, is amended by—

(1) inserting ''or for the purpose of transmitting a live visual depiction of such conduct'' after ''for the purpose of producing any visual depiction of such conduct''; and

(2) inserting ''or transmitted'' after ''imported''.

SEC. 304. PROHIBITING THE ADAPTATION OR MODIFICATION OF AN IMAGE OF AN IDENTIFIABLE MINOR TO PRODUCE CHILD PORNOGRAPHY.

(a) OFFENSE.—Subsection (a) of section 2252A of title 18, United States Code, is amended—

(1) in paragraph (5), by striking ''; or'' at the end and inserting a semicolon;

(2) in paragraph (6), by striking the period at the end and inserting ''; or''; and

(3) by inserting after paragraph (6) the following:

''(7) knowingly produces with intent to distribute, or distributes, by any means, including a computer, in or affecting interstate or foreign commerce, child pornography that is an adapted or modified depiction of an identifiable minor.''.

(b) PUNISHMENT.—Subsection (b) of section 2252A of title 18, United States Code, is amended by adding at the end the following:

''(3) Whoever violates, or attempts or conspires to violate, subsection (a)(7) shall be fined under this title or imprisoned not more than 15 years, or both.''.

TITLE IV—NATIONAL INSTITUTE OF JUSTICE STUDY OF RISK FACTORS

SEC. 401. NIJ STUDY OF RISK FACTORS FOR ASSESSING DANGEROUSNESS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the National Institute of Justice shall prepare a report to identify investigative factors that reliably indicate whether a subject of an online child exploitation investigation poses a high risk of harm to children. Such a report shall be prepared in consultation and coordination with Federal law enforcement agencies, the National Center for Missing and Exploited Children, Operation Fairplay at the Wyoming Attorney General's Office, the Internet Crimes Against Children Task Force, and other State and local law enforcement.

(b) CONTENTS OF ANALYSIS.—The report required by subsection (a) shall include a thorough analysis of potential investigative factors in on-line child exploitation cases and an appropriate examination of investigative data from prior prosecutions and case files of identified child victims.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the National Institute of Justice shall submit a report to the House and Senate Judiciary Committees that includes the findings of the study required by this section and makes recommendations on technological tools and law enforcement procedures to help investigators prioritize scarce resources to those cases where there is actual hands-on abuse by the suspect.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $500,000 to the National Institute of Justice to conduct the study required under this section.

TITLE V—SECURING ADOLESCENTS FROM ONLINE EXPLOITATION

SEC. 501. REPORTING REQUIREMENTS OF ELECTRONIC COMMUNICATION SERVICE PROVIDERS AND REMOTE COMPUTING SERVICE PROVIDERS.

(a) IN GENERAL.—Chapter 110 of title 18, United States Code, is amended by inserting after section 2258 the following:

''SEC. 2258A. REPORTING REQUIREMENTS OF ELECTRONIC COMMUNICATION SERVICE PROVIDERS AND REMOTE COMPUTING SERVICE PROVIDERS.

''(a) DUTY TO REPORT.—

''(1) IN GENERAL.—Whoever, while engaged in providing an electronic communication service or a remote computing service to the public through a facility or means of interstate or foreign commerce, obtains actual knowledge of any facts or circumstances described in paragraph (2) shall, as soon as reasonably possible—

''(A) provide to the CyberTipline of the National Center for Missing and Exploited Children, or any successor to the CyberTipline operated by such center, the mailing address, telephone number, facsimile number, electronic mail address of, and individual point of contact for, such electronic communication service provider or remote computing service provider; and

''(B) make a report of such facts or circumstances to the CyberTipline, or any successor to the CyberTipline operated by such center.

''(2) FACTS OR CIRCUMSTANCES.—The facts or circumstances described in this paragraph are any facts or circumstances from which there is an apparent violation of—

''(A) section 2251, 2251A, 2252, 2252A, 2252B, or 2260 that involves child pornography; or

''(B) section 1466A.

''(b) CONTENTS OF REPORT.—To the extent the information is within the custody or control of an electronic communication service provider or a remote computing service provider, the facts and circumstances included in each report under subsection (a)(1) may include the following information:

''(1) INFORMATION ABOUT THE INVOLVED INDIVIDUAL.—Information relating to the identity of any individual who appears to have violated a Federal law described in subsection (a)(2), which may, to the extent reasonably practicable, include the electronic mail address, Internet Protocol address, uniform resource locator, or any other identifying information, including self-reported identifying information.

''(2) HISTORICAL REFERENCE.—Information relating to when and how a customer or subscriber of an electronic communication service or a remote computing service uploaded, transmitted, or received apparent child pornography or when and how apparent child pornography was reported to, or discovered by the electronic communication service provider or remote computing service provider, including a date and time stamp and time zone.

''(3) GEOGRAPHIC LOCATION INFORMATION.—

''(A) IN GENERAL.—Information relating to the geographic location of the involved individual or website, which may include the Internet Protocol address or verified billing address, or, if not reasonably available, at least 1 form of geographic identifying information, including area code or zip code.

''(B) INCLUSION.—The information described in subparagraph (A) may also include any geographic information provided to the electronic communication service or remote computing service by the customer or subscriber.

''(4) IMAGES OF APPARENT CHILD PORNOGRAPHY.—Any image of apparent child pornography relating to the incident such report is regarding.

''(5) COMPLETE COMMUNICATION.—The complete communication containing any image of apparent child pornography, including—

''(A) any data or information regarding the transmission of the communication; and

''(B) any images, data, or other digital files contained in, or attached to, the communication.

''(c) FORWARDING OF REPORT TO LAW ENFORCEMENT.—

''(1) IN GENERAL.—The National Center for Missing and Exploited Children shall forward each report made under subsection (a)(1) to any appropriate law enforcement agency designated by the Attorney General under subsection (d)(2).

''(2) STATE AND LOCAL LAW ENFORCEMENT.—The National Center for Missing and Exploited Children may forward any report made under subsection (a)(1) to an appropriate law enforcement official of a State or political subdivision of a State for the purpose of enforcing State criminal law.

''(3) FOREIGN LAW ENFORCEMENT.—

''(A) IN GENERAL.—The National Center for Missing and Exploited Children may forward any report made under subsection (a)(1) to any appropriate foreign law enforcement agency designated by the Attorney General under subsection (d)(3), subject to the conditions established by the Attorney General under subsection (d)(3).

''(B) TRANSMITTAL TO DESIGNATED FEDERAL AGENCIES.—If the National Center for Missing and Exploited Children forwards a report to a foreign law enforcement agency under subparagraph (A), the National Center for Missing and Exploited Children shall concurrently provide a copy of the report and the identity of the foreign law enforcement agency to—

''(i) the Attorney General; or

''(ii) the Federal law enforcement agency or agencies designated by the Attorney General under subsection (d)(2).

''(d) ATTORNEY GENERAL RESPONSIBILITIES.—

''(1) IN GENERAL.—The Attorney General shall enforce this section.

''(2) DESIGNATION OF FEDERAL AGENCIES.—The Attorney General shall designate promptly the Federal law enforcement agency or agencies to which a report shall be forwarded under subsection (c)(1).

''(3) DESIGNATION OF FOREIGN AGENCIES.—The Attorney General shall promptly—

''(A) in consultation with the Secretary of State, designate the foreign law enforcement agencies to which a report may be forwarded under subsection (c)(3);

''(B) establish the conditions under which such a report may be forwarded to such agencies; and

''(C) develop a process for foreign law enforcement agencies to request assistance from Federal law enforcement agencies in obtaining evidence related to a report referred under subsection (c)(3).

''(4) REPORTING DESIGNATED FOREIGN AGENCIES.—The Attorney General shall maintain and make available to the Department of State, the National Center for Missing and Exploited Children, electronic communication service providers, remote computing service providers, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives a list of the foreign law enforcement agencies designated under paragraph (3).

''(5) SENSE OF CONGRESS REGARDING DESIGNATION OF FOREIGN AGENCIES.—It is the sense of Congress that—

''(A) combating the international manufacturing, possession, and trade in online child pornography requires cooperation with competent, qualified, and appropriately trained foreign law enforcement agencies; and

''(B) the Attorney General, in cooperation with the Secretary of State, should make a substantial effort to expand the list of foreign agencies designated under paragraph (3).

''(6) NOTIFICATION TO PROVIDERS.—If an electronic communication service provider or remote computing service provider notifies the National Center for Missing and Exploited Children that the electronic communication service provider or remote computing service provider is making a report under this section as the result of a request by a foreign law enforcement agency, the National Center for Missing and Exploited Children shall—

''(A) if the Center forwards the report to the requesting foreign law enforcement agency or another agency in the same country designated by the Attorney General under paragraph (3), notify the electronic communication service provider or remote computing service provider of—

''(i) the identity of the foreign law enforcement agency to which the report was forwarded; and

''(ii) the date on which the report was forwarded; or

''(B) notify the electronic communication service provider or remote computing service provider if the Center declines to forward the report because the Center, in consultation with the Attorney General, determines that no law enforcement agency in the foreign country has been designated by the Attorney General under paragraph (3).

''(e) FAILURE TO REPORT.—An electronic communication service provider or remote computing service provider that knowingly and willfully fails to make a report required under subsection (a)(1) shall be fined—

''(1) in the case of an initial knowing and willful failure to make a report, not more than $150,000; and

''(2) in the case of any second or subsequent knowing and willful failure to make a report, not more than $300,000.

''(f) PROTECTION OF PRIVACY.—Nothing in this section shall be construed to require an electronic communication service provider or a remote computing service provider to—

''(1) monitor any user, subscriber, or customer of that provider;

''(2) monitor the content of any communication of any person described in paragraph (1); or

''(3) affirmatively seek facts or circumstances described in sections (a) and (b).

''(g) CONDITIONS OF DISCLOSURE INFORMATION CONTAINED WITHIN REPORT.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a law enforcement agency that receives a report under subsection (c) shall not disclose any information contained in that report.

''(2) PERMITTED DISCLOSURES BY LAW ENFORCEMENT.—

''(A) IN GENERAL.—A law enforcement agency may disclose information in a report received under subsection (c)—

''(i) to an attorney for the government for use in the performance of the official duties of that attorney;

''(ii) to such officers and employees of that law enforcement agency, as may be necessary in the performance of their investigative and recordkeeping functions;

''(iii) to such other government personnel (including personnel of a State or subdivision of a State) as are determined to be necessary by an attorney for the government to assist the attorney in the performance of the official duties of the attorney in enforcing Federal criminal law;

''(iv) if the report discloses a violation of State criminal law, to an appropriate official of a State or subdivision of a State for the purpose of enforcing such State law;

''(v) to a defendant in a criminal case or the attorney for that defendant, subject to the terms and limitations under section 3509(m) or a similar State law, to the extent the information relates to a criminal charge pending against that defendant;

''(vi) subject to subparagraph (B), to an electronic communication service provider or remote computing provider if necessary to facilitate response to legal process issued in connection to a criminal investigation, prosecution, or post-conviction remedy relating to that report; and

''(vii) as ordered by a court upon a showing of good cause and pursuant to any protective orders or other conditions that the court may impose.

''(B) LIMITATIONS.—

''(i) LIMITATIONS ON FURTHER DISCLOSURE.—The electronic communication service provider or remote computing service provider shall be prohibited from disclosing the contents of a report provided under subparagraph (A)(vi) to any person, except as necessary to respond to the legal process.

''(ii) EFFECT.—Nothing in subparagraph (A)(vi) authorizes a law enforcement agency to provide child pornography images to an electronic communications service provider or a remote computing service.

''(3) PERMITTED DISCLOSURES BY THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—The National Center for Missing and Exploited Children may disclose information received in a report under subsection (a) only—

''(A) to any Federal law enforcement agency designated by the Attorney General under subsection (d)(2);

''(B) to any State, local, or tribal law enforcement agency involved in the investigation of child pornography, child exploitation, kidnapping, or enticement crimes;

''(C) to any foreign law enforcement agency designated by the Attorney General under subsection (d)(3); and

''(D) to an electronic communication service provider or remote computing service provider as described in section 2258C.

''(h) PRESERVATION.—

''(1) IN GENERAL.—For the purposes of this section, the notification to an electronic communication service provider or a remote computing service provider by the CyberTipline of receipt of a report under subsection (a)(1) shall be treated as a request to preserve, as if such request was made pursuant to section 2703(f).

''(2) PRESERVATION OF REPORT.—Pursuant to paragraph (1), an electronic communication service provider or a remote computing service shall preserve the contents of the report provided pursuant to subsection (b) for 90 days after such notification by the CyberTipline.

''(3) PRESERVATION OF COMMINGLED IMAGES.—Pursuant to paragraph (1), an electronic communication service provider or a remote computing service shall preserve any images, data, or other digital files that are commingled or interspersed among the images of apparent child pornography within a particular communication or user-created folder or directory.

''(4) PROTECTION OF PRESERVED MATERIALS.—An electronic communications service or remote computing service preserving materials under this section shall maintain the materials in a secure location and take appropriate steps to limit access by agents or employees of the service to the materials to that access necessary to comply with the requirements of this subsection.

''(5) AUTHORITIES AND DUTIES NOT AFFECTED.—Nothing in this section shall be construed as replacing, amending, or otherwise interfering with the authorities and duties under section 2703.

''SEC. 2258B. LIMITED LIABILITY FOR ELECTRONIC COMMUNICATION SERVICE PROVIDERS, REMOTE COMPUTING SERVICE PROVIDERS, OR DOMAIN NAME REGISTRAR.

''(a) IN GENERAL.—Except as provided in subsection (b), a civil claim or criminal charge against an electronic communication service provider, a remote computing service provider, or domain name registrar, including any director, officer, employee, or agent of such electronic communication service provider, remote computing service provider, or domain name registrar arising from the performance of the reporting or preservation responsibilities of such electronic communication service provider, remote computing service provider, or domain name registrar under this section, section 2258A, or section 2258C may not be brought in any Federal or State court.

''(b) INTENTIONAL, RECKLESS, OR OTHER MISCONDUCT.—Subsection (a) shall not apply to a claim if the electronic communication service provider, remote computing service provider, or domain name registrar, or a director, officer, employee, or agent of that electronic communication service provider, remote computing service provider, or domain name registrar—

''(1) engaged in intentional misconduct; or

''(2) acted, or failed to act—

''(A) with actual malice;

''(B) with reckless disregard to a substantial risk of causing physical injury without legal justification; or

''(C) for a purpose unrelated to the performance of any responsibility or function under this section, sections 2258A, 2258C, 2702, or 2703.

''(c) MINIMIZING ACCESS.—An electronic communication service provider, a remote computing service provider, and domain name registrar shall—

''(1) minimize the number of employees that are provided access to any image provided under section 2258A or 2258C; and

''(2) ensure that any such image is permanently destroyed, upon a request from a law enforcement agency to destroy the image.

''SEC. 2258C. USE TO COMBAT CHILD PORNOGRAPHY OF TECHNICAL ELEMENTS RELATING TO IMAGES REPORTED TO THE CYBERTIPLINE.

''(a) ELEMENTS.—

''(1) IN GENERAL.—The National Center for Missing and Exploited Children may provide elements relating to any apparent child pornography image of an identified child to an electronic communication service provider or a remote computing service provider for the sole and exclusive purpose of permitting that electronic communication service provider or remote computing service provider to stop the further transmission of images.

''(2) INCLUSIONS.—The elements authorized under paragraph (1) may include hash values or other unique identifiers associated with a specific image, Internet location of images, and other technological elements that can be used to identify and stop the transmission of child pornography.

''(3) EXCLUSION.—The elements authorized under paragraph (1) may not include the actual images.

''(b) USE BY ELECTRONIC COMMUNICATION SERVICE PROVIDERS AND REMOTE COMPUTING SERVICE PROVIDERS.—Any electronic communication service provider or remote computing service provider that receives elements relating to any apparent child pornography image of an identified child from the National Center for Missing and Exploited Children under this section may use such information only for the purposes described in this section, provided that such use shall not relieve that electronic communication service provider or remote computing service

provider from its reporting obligations under section 2258A.

''(c) LIMITATIONS.—Nothing in subsections (a) or (b) requires electronic communication service providers or remote computing service providers receiving elements relating to any apparent child pornography image of an identified child from the National Center for Missing and Exploited Children to use the elements to stop the further transmission of the images.

''(d) PROVISION OF ELEMENTS TO LAW ENFORCEMENT.—The National Center for Missing and Exploited Children shall make available to Federal, State, and local law enforcement involved in the investigation of child pornography crimes elements, including hash values, relating to any apparent child pornography image of an identified child reported to the National Center for Missing and Exploited Children.

''(e) USE BY LAW ENFORCEMENT.—Any Federal, State, or local law enforcement agency that receives elements relating to any apparent child pornography image of an identified child from the National Center for Missing and Exploited Children under section (d) may use such elements only in the performance of the official duties of that agency to investigate child pornography crimes.

''SEC. 2258D. LIMITED LIABILITY FOR THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.

''(a) IN GENERAL.—Except as provided in subsections (b) and (c), a civil claim or criminal charge against the National Center for Missing and Exploited Children, including any director, officer, employee, or agent of such center, arising from the performance of the CyberTipline responsibilities or functions of such center, as described in this section, section 2258A or 2258C of this title, or section 404 of the Missing Children's Assistance Act (42 U.S.C. 5773), or from the effort of such center to identify child victims may not be brought in any Federal or State court.

''(b) INTENTIONAL, RECKLESS, OR OTHER MISCONDUCT.—Subsection (a) shall not apply to a claim or charge if the National Center for Missing and Exploited Children, or a director, officer, employee, or agent of such center—

''(1) engaged in intentional misconduct; or

''(2) acted, or failed to act—

''(A) with actual malice;

''(B) with reckless disregard to a substantial risk of causing injury without legal justification; or

''(C) for a purpose unrelated to the performance of any responsibility or function under this section, section 2258A or 2258C of this title, or section 404 of the Missing Children's Assistance Act (42 U.S.C. 5773).

''(c) ORDINARY BUSINESS ACTIVITIES.—Subsection (a) shall not apply to an act or omission relating to an ordinary business activity, including general administration or operations, the use of motor vehicles, or personnel management.

''(d) MINIMIZING ACCESS.—The National Center for Missing and Exploited Children shall—

''(1) minimize the number of employees that are provided access to any image provided under section 2258A; and

''(2) ensure that any such image is permanently destroyed upon notification from a law enforcement agency.

''SEC. 2258E. DEFINITIONS.

''In sections 2258A through 2258D—

''(1) the terms 'attorney for the government' and 'State' have the meanings given those terms in rule 1 of the Federal Rules of Criminal Procedure;

''(2) the term 'electronic communication service' has the meaning given that term in section 2510;

''(3) the term 'electronic mail address' has the meaning given that term in section 3 of the CAN-SPAM Act of 2003 (15 U.S.C. 7702);

''(4) the term 'Internet' has the meaning given that term in section 1101 of the Internet Tax Freedom Act (47 U.S.C. 151 note);

''(5) the term 'remote computing service' has the meaning given that term in section 2711; and

''(6) the term 'website' means any collection of material placed in a computer server-based file archive so that it is publicly accessible, over the Internet, using hypertext transfer protocol or any successor protocol.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) REPEAL OF SUPERCEDED PROVISION.—Section 227 of the Crime Control Act of 1990 (42 U.S.C. 13032) is repealed.

(2) TECHNICAL CORRECTIONS.—Section 2702 of title 18, United States Code, is amended—

(A) in subsection (b)(6), by striking ''section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032)'' and inserting ''section 2258A''; and

(B) in subsection (c)(5), by striking ''section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032)'' and inserting ''section 2258A''.

(3) TABLE OF SECTIONS.—The table of sections for chapter 110 of title 18, United States Code, is amended by inserting after the item relating to section 2258 the following:

''2258A. Reporting requirements of electronic communication service providers and remote computing service providers.

''2258B. Limited liability for electronic communication service providers and remote computing service providers.

''2258C. Use to combat child pornography of technical elements relating to images reported to the CyberTipline.

''2258D. Limited liability for the National Center for Missing and Exploited Children.

''2258E. Definitions.''.

SEC. 502. REPORTS.

(a) ATTORNEY GENERAL REPORT ON IMPLEMENTATION, INVESTIGATIVE METHODS AND INFORMATION SHARING.—Not later than 12 months after the date of enactment of this Act, the Attorney General shall submit a report to the Committee on the Judiciary of Senate and the Committee on the Judiciary of the House of Representatives on —

(1) the structure established in this Act, including the respective functions of the National Center for Missing and Exploited Children, Department of Justice, and other entities that participate in information sharing under this Act;

(2) an assessment of the legal and constitutional implications of such structure;

(3) the privacy safeguards contained in the reporting requirements, including the training, qualifications, recruitment and screening of all Federal and non-Federal personnel implementing this Act; and

(4) information relating to the aggregate number of incidents reported under section 2258A(b) of title 18, United States Code, to Federal and State law enforcement agencies based on the reporting requirements under this Act and the aggregate number of times that elements are provided to communication service providers under section 2258C of such title.

(b) GAO AUDIT AND REPORT ON EFFICIENCY AND EFFECTIVENESS.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall conduct an audit and submit a report to the Committee on the Judiciary of the Senate and to the Committee on the Judiciary of the House of Representatives on—

(1) the efforts, activities, and actions of the CyberTipline of the National Center for Missing and Exploited Children, or any successor to the CyberTipline, and the Attorney General in achieving the goals and purposes of this Act, as well as in carrying out any responsibilities or duties assigned to each such individual or agency under this Act;

(2) any legislative, administrative, or regulatory changes that the Comptroller General recommends be taken by or on behalf of the Attorney General to better achieve such goals and purposes, and to more effectively carry out such responsibilities and duties;

(3) the effectiveness of any actions taken and efforts made by the CyberTipline of the National Center for Missing and Exploited Children, or any successor to the CyberTipline and the Attorney General to—

(A) minimize duplicating the efforts, materials, facilities, and procedures of any other Federal agency responsible for the enforcement, investigation, or prosecution of child pornography crimes; and

(B) enhance the efficiency and consistency with which Federal funds and resources are expended to enforce, investigate, or prosecute child pornography crimes , including the use of existing personnel, materials, technologies, and facilities; and

(4) any actions or efforts that the Comptroller General recommends be taken by the Attorney General to reduce duplication of efforts and increase the efficiency and consistency with which Federal funds and resources are expended to enforce, investigate, or prosecute child pornography crimes.

SEC. 503. SEVERABILITY.

If any provision of this title or amendment made by this title is held to be unconstitutional, the remainder of the provisions of this title or amendments made by this title—

(1) shall remain in full force and effect; and

(2) shall not be affected by the holding.

SA 5651. Mr. DURBIN (for Mr. BIDEN) proposed an amendment to the bill S. 1738, to require the Department of Justice to develop and implement a National Strategy Child Exploitation Prevention and Interdiction, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute child predators; as follows:

Amend the title so as to read: ''To require the Department of Justice to develop and implement a National Strategy Child Exploitation Prevention and Interdiction, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute child predators.''.

SA 5652. Mr. DURBIN (for Mr. LEAHY) proposed an amendment to the bill S. 2982, to amend the Runaway and Homeless Youth Act to authorize appropriations, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Reconnecting Homeless Youth Act of 2008''.

SEC. 2. FINDINGS.

Section 302 of the Runaway and Homeless Youth Act (42 U.S.C. 5701) is amended—

(1) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(2) by inserting after paragraph (2) the following:

''(3) services to such young people should be developed and provided using a positive youth development approach that ensures a young person a sense of—

''(A) safety and structure;

''(B) belonging and membership;

''(C) self-worth and social contribution;

''(D) independence and control over one's life; and

''(E) closeness in interpersonal relationships.''.

SEC. 3. BASIC CENTER PROGRAM.

(a) SERVICES PROVIDED.—Section 311 of the Runaway and Homeless Youth Act (42 U.S.C. 5711) is amended—

(1) in subsection (a)(2)(B), by striking clause (i) and inserting the following:

''(i) safe and appropriate shelter provided for not to exceed 21 days; and''; and

(2) in subsection (b)(2)—

(A) by striking ''(2) The'' and inserting ''(2)(A) Except as provided in subparagraph (B), the'';

(B) by striking ''$100,000'' and inserting ''$200,000'';

(C) by striking ''$45,000'' and inserting ''$70,000''; and

(D) by adding at the end the following:

''(B) For fiscal years 2009 and 2010, the amount allotted under paragraph (1) with respect to a State for a fiscal year shall be not less than the amount allotted under paragraph (1) with respect to such State for fiscal year 2008.

''(C) Whenever the Secretary determines that any part of the amount allotted under paragraph (1) to a State for a fiscal year will not be obligated before the end of the fiscal year, the Secretary shall reallot such part to the remaining States for obligation for the fiscal year.''.

(b) ELIGIBILITY.—Section 312(b) of the Runaway and Homeless Youth Act (42 U.S.C. 5712(b)) is amended—

(1) in paragraph (11), by striking ''and'' at the end;

(2) in paragraph (12), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(13) shall develop an adequate emergency preparedness and management plan.''.

SEC. 4. TRANSITIONAL LIVING GRANT PROGRAM.

(a) ELIGIBILITY.—Section 322(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5714–2(a)) is amended—

(1) in paragraph (1)—

(A) by striking ''directly or indirectly'' and inserting ''by grant, agreement, or contract''; and

(B) by striking ''services'' the first place it appears and inserting ''provide, by grant, agreement, or contract, services,'';

(2) in paragraph (2), by striking ''a continuous period not to exceed 540 days, except that'' and all that follows and inserting the following: ''a continuous period not to exceed 540 days, or in exceptional circumstances 635 days, except that a youth in a program under this part who has not reached 18 years of age on the last day of the 635-day period may, in exceptional circumstances and if otherwise qualified for the program, remain in the program until the youth's 18th birthday;'';

(3) in paragraph (14), by striking ''and'' at the end;

(4) in paragraph (15), by striking the period and inserting ''; and''; and

(5) by adding at the end the following:

''(16) to develop an adequate emergency preparedness and management plan.''.

(b) DEFINITIONS.—Section 322(c) of the Runaway and Homeless Youth Act (42 U.S.C. 5714-2(c)) is amended by—

(1) striking ''part, the term'' and inserting the following: ''part—

''(1) the term'';

(2) striking the period and inserting ''; and''; and

(3) adding at the end thereof the following:

''(2) the term 'exceptional circumstances' means circumstances in which a youth would benefit to an unusual extent from additional time in the program.''.

SEC. 5. GRANTS FOR RESEARCH EVALUATION, DEMONSTRATION, AND SERVICE PROJECTS.

Section 343 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–23) is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''special consideration'' and inserting ''priority'';

(B) in paragraph (8)—

(i) by striking ''to health'' and inserting ''to quality health'';

(ii) by striking ''mental health care'' and inserting ''behavioral health care''; and

(iii) by striking ''and'' at the end;

(C) in paragraph (9), by striking the period at the end and inserting '', including access to educational and workforce programs to achieve outcomes such as decreasing secondary school dropout rates, increasing rates of attaining a secondary school diploma or its recognized equivalent, or increasing placement and retention in postsecondary education or advanced workforce training programs; and''; and

(D) by adding at the end the following:

''(10) providing programs, including innovative programs, that assist youth in obtaining and maintaining safe and stable housing, and which may include programs with supportive services that continue after the youth complete the remainder of the programs.''; and

(2) by striking subsection (c) and inserting the following:

''(c) In selecting among applicants for grants under subsection (a), the Secretary shall—

''(1) give priority to applicants who have experience working with runaway or homeless youth; and

''(2) ensure that the applicants selected—

''(A) represent diverse geographic regions of the United States; and

''(B) carry out projects that serve diverse populations of runaway or homeless youth.''.

SEC. 6. COORDINATING, TRAINING, RESEARCH, AND OTHER ACTIVITIES.

Part D of the Runaway and Homeless Youth Act (42 U.S.C. 5714–21 et seq.) is amended by adding at the end the following:

''SEC. 345. PERIODIC ESTIMATE OF INCIDENCE AND PREVALENCE OF YOUTH HOMELESSNESS.

''(a) PERIODIC ESTIMATE.—Not later than 2 years after the date of enactment of the Reconnecting Homeless Youth Act of 2008, and at 5-year intervals thereafter, the Secretary, in consultation with the United States Interagency Council on Homelessness, shall prepare and submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate, and make available to the public, a report—

''(1) by using the best quantitative and qualitative social science research methods available, containing an estimate of the incidence and prevalence of runaway and homeless individuals who are not less than 13 years of age but are less than 26 years of age; and

''(2) that includes with such estimate an assessment of the characteristics of such individuals.

''(b) CONTENT.—The report required by subsection (a) shall include—

''(1) the results of conducting a survey of, and direct interviews with, a representative sample of runaway and homeless individuals who are not less than 13 years of age but are less than 26 years of age, to determine past and current—

''(A) socioeconomic characteristics of such individuals; and

''(B) barriers to such individuals obtaining—

''(i) safe, quality, and affordable housing;

''(ii) comprehensive and affordable health insurance and health services; and

''(iii) incomes, public benefits, supportive services, and connections to caring adults; and

''(2) such other information as the Secretary determines, in consultation with States, units of local government, and national nongovernmental organizations concerned with homelessness, may be useful.

''(c) IMPLEMENTATION.—If the Secretary enters into any contract with a non-Federal entity for purposes of carrying out subsection (a), such entity shall be a nongovernmental organization, or an individual, determined by the Secretary to have appropriate expertise in quantitative and qualitative social science research.''.

SEC. 7. SEXUAL ABUSE PREVENTION PROGRAM.

Section 351(b) of the Runaway and Homeless Youth Act (42 U.S.C. 5714–41(b)) is amended by inserting ''public and'' after ''priority to''.

SEC. 8. PERFORMANCE STANDARDS.

Part F of the Runaway and Homeless Youth Act (42 U.S.C. 5714a et seq.) is amended by inserting after section 386 the following:

''SEC. 386A. PERFORMANCE STANDARDS.

''(a) ESTABLISHMENT OF PERFORMANCE STANDARDS.—Not later than 1 year after the date of enactment of the Reconnecting Homeless Youth Act of 2008, the Secretary shall issue rules that specify performance standards for public and nonprofit private entities and agencies that receive grants under sections 311, 321, and 351.

''(b) CONSULTATION.—The Secretary shall consult with representatives of public and nonprofit private entities and agencies that receive grants under this title, including statewide and regional nonprofit organizations (including combinations of such organizations) that receive grants under this title, and national nonprofit organizations concerned with youth homelessness, in developing the performance standards required by subsection (a).

''(c) IMPLEMENTATION OF PERFORMANCE STANDARDS.—The Secretary shall integrate the performance standards into the processes of the Department of Health and Human Services for grantmaking, monitoring, and evaluation for programs under sections 311, 321, and 351.''.

SEC. 9. GOVERNMENT ACCOUNTABILITY OFFICE STUDY AND REPORT.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study, including making findings and recommendations, relating to the processes for making grants under parts A, B, and E of the Runaway and Homeless Youth Act (42 U.S.C. 5711 et seq., 5714–1 et seq., 5714–41).

(2) SUBJECTS.—In particular, the Comptroller General shall study—

(A) the Secretary's written responses to and other communications with applicants who do not receive grants under part A, B, or

E of such Act, to determine if the information provided in the responses and communications is conveyed clearly;

(B) the content and structure of the grant application documents, and of other associated documents (including grant announcements), to determine if the requirements of the applications and other associated documents are presented and structured in a way that gives an applicant a clear understanding of the information that the applicant must provide in each portion of an application to successfully complete it, and a clear understanding of the terminology used throughout the application and other associated documents;

(C) the peer review process for applications for the grants, including the selection of peer reviewers, the oversight of the process by staff of the Department of Health and Human Services, and the extent to which such staff make funding determinations based on the comments and scores of the peer reviewers;

(D) the typical timeframe, and the process and responsibilities of such staff, for responding to applicants for the grants, and the efforts made by such staff to communicate with the applicants when funding decisions or funding for the grants is delayed, such as when funding is delayed due to funding of a program through appropriations made under a continuing resolution; and

(E) the plans for implementation of, and the implementation of, where practicable, the technical assistance and training programs carried out under section 342 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–22), and the effect of such programs on the application process for the grants.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall prepare and submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report containing the findings and recommendations resulting from the study.

SEC. 10. DEFINITIONS.

(a) HOMELESS YOUTH.—Section 387(3) of the Runaway and Homeless Youth Act (42 U.S.C. 5732a(3)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''The'' and all that follows through ''means'' and inserting ''The term 'homeless', used with respect to a youth, means''; and

(2) in subparagraph (A)—

(A) in clause (i)—

(i) by striking ''not more than'' each place it appears and inserting ''less than''; and

(ii) by inserting after ''age'' the last place it appears the following: '', or is less than a higher maximum age if the State where the center is located has an applicable State or local law (including a regulation) that permits such higher maximum age in compliance with licensure requirements for child- and youth-serving facilities''; and

(B) in clause (ii), by striking ''age;'' and inserting the following: ''age and either—

''(I) less than 22 years of age; or

''(II) not less than 22 years of age, as of the expiration of the maximum period of stay permitted under section 322(a)(2) if such individual commences such stay before reaching 22 years of age;''.

(b) RUNAWAY YOUTH.—Section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a) is amended—

(1) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively; and

(2) by inserting after paragraph (3) the following:

''(4) RUNAWAY YOUTH.—The term 'runaway', used with respect to a youth, means an individual who is less than 18 years of age and who absents himself or herself from home or a place of legal residence without the permission of a parent or legal guardian.''.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

Section 388(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5751(a)) is amended—

(1) in paragraph (1)—

(A) by striking ''is authorized'' and inserting ''are authorized'';

(B) by striking ''part E) $105,000,000 for fiscal year 2004'' and inserting ''section 345 and part E) $140,000,000 for fiscal year 2009''; and

(C) by striking ''2005, 2006, 2007, and 2008'' and inserting ''2010, 2011, 2012, and 2013'';

(2) in paragraph (3)—

(A) by striking ''In'' and inserting the following:

''(A) IN GENERAL.—In'';

(B) by inserting ''(other than section 345)'' before the period; and

(C) by adding at the end the following:

''(B) PERIODIC ESTIMATE.—There are authorized to be appropriated to carry out section 345 such sums as may be necessary for fiscal years 2009, 2010, 2011, 2012, and 2013.''; and

(3) in paragraph (4)—

(A) by striking ''is authorized'' and inserting ''are authorized''; and

(B) by striking ''such sums as may be necessary for fiscal years 2004, 2005, 2006, 2007, and 2008'' and inserting ''$25,000,000 for fiscal year 2009 and such sums as may be necessary for fiscal years 2010, 2011, 2012, and 2013''.

SA 5653. Mr. DURBIN (for Mr. LEAHY (for himself and Mr. HATCH)) proposed an amendment to the bill H.R. 1777, to amend the Improving America's Schools Act of 1994 to make permanent the favorable treatment of need-based educational aid under the antitrust laws; as follows:

On page 2, strike lines 5 and 6 and insert the following: ''Section 568(d) of the Improving America's Schools Act of 1994 (15 U.S.C. 1 note) is amended by striking '2008' and inserting '2015'.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, September 25, 2008, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, September 25, 2008, at 10 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, September 25, 2008, at 10 a.m., in room 406 of the Dirksen Senate Office Building to conduct a hearing entitled ''Oversight Hearing on EPA's Cleanup of the Superfund Site in Libby, Montana.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 25, 2008, at 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Thursday, September 25, 2008, at 9:30 a.m. to conduct a hearing entitled ''Preventing Nuclear Terrorism: Hard Lessons Learned From Troubled Investments.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, September 25, 2008, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct an executive business meeting on Thursday, September 25, 2008, at 10 a.m. in room SH–216 of the Hart Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Thursday, September 25, 2008, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, September 25, 2008, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on

Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on Thursday, September 25, 2008, at 2:30 p.m. to conduct a hearing entitled ''Addressing Cost Growth of Major DOD Weapons Systems.''

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. FEINGOLD. Mr. President, I ask unanimous consent that two legal interns in my office, Corinne Beth and Arezo Yazd, be granted floor privileges for the remainder of this session.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMBATING CHILD EXPLOITATION ACT OF 2008

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 862, S. 1738.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1738) to establish a Special Counsel for Child Exploitation Prevention and Interdiction within the Office of the Deputy Attorney General, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute predators.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Combating Child Exploitation Act of 2008''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
TITLE I—NATIONAL STRATEGY FOR CHILD EXPLOITATION PREVENTION AND INTERDICTION
Sec. 101. Establishment of National Strategy for Child Exploitation Prevention and Interdiction.
Sec. 102. Establishment of National ICAC Task Force Program.
Sec. 103. Purpose of ICAC task forces.
Sec. 104. Duties and functions of task forces.
Sec. 105. National Internet Crimes Against Children Data System.
Sec. 106. ICAC grant program.
Sec. 107. Authorization of appropriations.
TITLE II—ADDITIONAL MEASURES TO COMBAT CHILD EXPLOITATION
Sec. 201. Additional regional computer forensic labs.
Sec. 202. Additional field agents for the FBI.
Sec. 203. Immigration and customs enforcement enhancement.
Sec. 204. Combating child exploitation via the United States Postal Service.
TITLE III—EFFECTIVE CHILD PORNOGRAPHY PROSECUTION
Sec. 301. Effective child pornography prosecution.
Sec. 302. Prohibit the broadcast of live images of child abuse.
Sec. 303. Amendment to section 2256 of title 18, United States Code.
Sec. 304. Amendment to section 2260 of title 18, United States Code.
Sec. 305. Prohibiting the alteration of an image of a real child to create an image of sexually explicit conduct.
Sec. 306. Referrals to authorized foreign law enforcement agencies.
TITLE IV—NATIONAL INSTITUTE OF JUSTICE STUDY OF RISK FACTORS
Sec. 401. NIJ Study of Risk Factors for Assessing Dangerousness.

SEC. 2. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) CHILD EXPLOITATION.—The term ''child exploitation'' means any conduct, attempted conduct, or conspiracy to engage in conduct involving a minor that violates section 1591, chapter 109A, chapter 110, and chapter 117 of title 18, United States Code, or any sexual activity involving a minor for which any person can be charged with a criminal offense.

(2) CHILD OBSCENITY.—The term ''child obscenity'' means any visual depiction proscribed by section 1466A of title 18, United States Code.

(3) MINOR.—The term ''minor'' means any person under the age of 18 years.

(4) SEXUALLY EXPLICIT CONDUCT.—The term ''sexually explicit conduct'' has the meaning given such term in section 2256 of title 18, United States Code.

TITLE I—NATIONAL STRATEGY FOR CHILD EXPLOITATION PREVENTION AND INTERDICTION

SEC. 101. ESTABLISHMENT OF NATIONAL STRATEGY FOR CHILD EXPLOITATION PREVENTION AND INTERDICTION.

(a) IN GENERAL.—The Attorney General of the United States shall create and implement a National Strategy for Child Exploitation Prevention and Interdiction.

(b) TIMING.—Not later than February 1 of each year, the Attorney General shall submit to Congress the National Strategy established under subsection (a).

(c) REQUIRED CONTENTS OF NATIONAL STRATEGY.—The National Strategy established under subsection (a) shall include the following:

(1) Comprehensive long-range, goals for reducing child exploitation.

(2) Annual measurable objectives and specific targets to accomplish long-term, quantifiable goals that the Attorney General determines may be achieved during each year beginning on the date when the National Strategy is submitted.

(3) Annual budget priorities and Federal efforts dedicated to combating child exploitation, including resources dedicated to Internet Crimes Against Children task forces, Project Safe Childhood, FBI Innocent Images Initiative, the National Center for Missing and Exploited Children, regional forensic computer labs, Internet Safety programs, and all other entities whose goal or mission is to combat the exploitation of children that receive Federal support.

(4) A 5-year projection for program and budget goals and priorities.

(5) A review of the policies and work of the Department of Justice related to the prevention and investigation of child exploitation crimes, including efforts at the Office of Justice Programs, the Criminal Division of the Department of Justice, the Executive Office of United States Attorneys, the Federal Bureau of Investigation, the Office of the Attorney General, the Office of the Deputy Attorney General, the Office of Legal Policy, and any other agency or bureau of the Department of Justice whose activities relate to child exploitation.

(6) A description of the Department's efforts to coordinate with international, State, local, tribal law enforcement, and private sector entities on child exploitation prevention and interdiction efforts.

(7) Plans for interagency coordination regarding the prevention, investigation, and apprehension of individuals exploiting children, including cooperation and collaboration with—

(A) Immigration and Customs Enforcement;

(B) the United States Postal Inspection Service;

(C) the Department of State;

(D) the Department of Commerce;

(E) the Department of Education;

(F) the Department of Health and Human Services; and

(G) other appropriate Federal agencies.

(8) A review of the Internet Crimes Against Children Task Force Program, including—

(A) the number of ICAC task forces and location of each ICAC task force;

(B) the number of trained personnel at each ICAC task force;

(C) the amount of Federal grants awarded to each ICAC task force;

(D) an assessment of the Federal, State, and local cooperation in each task force, including—

(i) the number of arrests made by each task force;

(ii) the number of criminal referrals to United States attorneys for prosecution;

(iii) the number of prosecutions and convictions from the referrals made under clause (ii);

(iv) the number, if available, of local prosecutions and convictions based on ICAC task force investigations; and

(v) any other information demonstrating the level of Federal, State, and local coordination and cooperation, as such information is to be determined by the Attorney General;

(E) an assessment of the training opportunities and technical assistance available to support ICAC task force grantees; and

(F) an assessment of the success of the Internet Crimes Against Children Task Force Program at leveraging State and local resources and matching funds.

(9) An assessment of the technical assistance and support available for Federal, State, local, and tribal law enforcement agencies, in the prevention, investigation, and prosecution of child exploitation crimes.

(10) The backlog of forensic analysis for child exploitation cases at each FBI Regional Forensic lab and an estimate of the backlog at State and local labs.

(11) Plans for reducing the forensic backlog described in paragraph (10), if any, at Federal, State and local forensic labs.

(12) A review of the Federal programs related to child exploitation prevention and education, including those related to Internet safety, including efforts by the private sector and nonprofit entities, or any other initiatives, that have proven successful in promoting child safety and Internet safety.

(13) An assessment of the future trends, challenges, and opportunities, including new technologies, that will impact Federal, State, local, and tribal efforts to combat child exploitation.

(14) Plans for liaisons with the judicial branches of the Federal and State governments on matters relating to child exploitation.

(15) An assessment of Federal investigative and prosecution activity relating to reported incidents of child exploitation crimes, which shall include a number of factors, including—

(A) the number of high-priority suspects (identified because of the volume of suspected criminal activity or because of the danger to the community or a potential victim) who were investigated and prosecuted;

(B) the number of investigations, arrests, prosecutions and convictions for a crime of child exploitation; and

(C) the average sentence imposed and statutory maximum for each crime of child exploitation.

(16) A review of all available statistical data indicating the overall magnitude of child pornography trafficking in the United States and internationally, including—

(A) the number of computers or computer users, foreign and domestic, observed engaging in, or suspected by law enforcement agencies and other sources of engaging in, peer-to-peer file sharing of child pornography;

(B) the number of computers or computer users, foreign and domestic, observed engaging in, or suspected by law enforcement agencies and other reporting sources of engaging in, buying and selling, or other commercial activity related to child pornography;

(C) the number of computers or computer users, foreign and domestic, observed engaging in, or suspected by law enforcement agencies and other sources of engaging in, all other forms of activity related to child pornography;

(D) the number of tips or other statistical data from the National Center for Missing and Exploited Children's CybertTipline and other data indicating the magnitude of child pornography trafficking; and

(E) any other statistical data indicating the type, nature, and extent of child exploitation crime in the United States and abroad.

(17) Copies of recent relevant research and studies related to child exploitation, including—

(A) studies related to the link between possession or trafficking of child pornography and actual abuse of a child;

(B) studies related to establishing a link between the types of files being viewed or shared and the type of illegal activity; and

(C) any other research, studies, and available information related to child exploitation.

(18) A review of the extent of cooperation, coordination, and mutual support between private sector and other entities and organizations and Federal agencies, including the involvement of States, local and tribal government agencies to the extent Federal programs are involved.

(19) The results of the Project Safe Childhood Conference or other conferences or meetings convened by the Department of Justice related to combating child exploitation

(d) APPOINTMENT OF HIGH-LEVEL OFFICIAL.—

(1) IN GENERAL.—The Attorney General shall designate a senior official at the Department of Justice to be responsible for coordinating the development of the National Strategy established under subsection (a).

(2) DUTIES.—The duties of the official designated under paragraph (1) shall include—

(A) acting as a liaison with all Federal agencies regarding the development of the National Strategy;

(B) working to ensure that there is proper coordination among agencies in developing the National Strategy;

(C) being knowledgeable about budget priorities and familiar with all efforts within the Department of Justice and the FBI related to child exploitation prevention and interdiction; and

(D) presenting the National Strategy to Congress and being available to answer questions related to the strategy at congressional hearings, if requested by committees of appropriate jurisdictions, on the contents of the National Strategy and progress of the Department of Justice in implementing the National Strategy.

SEC. 102. ESTABLISHMENT OF NATIONAL ICAC TASK FORCE PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established within the Department of Justice, under the general authority of the Attorney General, a National Internet Crimes Against Children Task Force Program (hereinafter in this title referred to as the ''ICAC Task Force Program''), which shall consist of a national program of State and local law enforcement task forces dedicated to developing effective responses to online enticement of children by sexual predators, child exploitation, and child obscenity and pornography cases.

(2) INTENT OF CONGRESS.—It is the purpose and intent of Congress that the ICAC Task Force Program established under paragraph (1) is intended to continue the ICAC Task Force Program authorized under title I of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998, and funded under title IV of the Juvenile Justice and Delinquency Prevention Act of 1974.

(b) NATIONAL PROGRAM.—

(1) STATE REPRESENTATION.—The ICAC Task Force Program established under subsection (a) shall include at least 1 ICAC task force in each State.

(2) CAPACITY AND CONTINUITY OF INVESTIGATIONS.—In order to maintain established capacity and continuity of investigations and prosecutions of child exploitation cases, the Attorney General, shall, in establishing the ICAC Task Force Program under subsection (a) consult with and consider all 59 task forces in existence on the date of enactment of this Act. The Attorney General shall include all existing ICAC task forces in the ICAC Task Force Program, unless the Attorney General makes a determination that an existing ICAC does not have a proven track record of success.

SEC. 103. PURPOSE OF ICAC TASK FORCES.

The ICAC Task Force Program, and each State or local ICAC task force that is part of the national program of task forces, shall be dedicated toward—

(1) increasing the investigative capabilities of State and local law enforcement officers in the detection, investigation, and apprehension of Internet crimes against children offenses or offenders, including technology-facilitated child exploitation offenses;

(2) conducting proactive and reactive Internet crimes against children investigations;

(3) providing training and technical assistance to ICAC task forces and other Federal, State, and local law enforcement agencies in the areas of investigations, forensics, prosecution, community outreach, and capacity-building, using recognized experts to assist in the development and delivery of training programs;

(4) increasing the number of Internet crimes against children offenses being investigated and prosecuted in both Federal and State courts;

(5) creating a multiagency task force response to Internet crimes against children offenses within each State;

(6) participating in the Department of Justice's Project Safe Childhood initiative, the purpose of which is to combat technology-facilitated sexual exploitation crimes against children;

(7) enhancing nationwide responses to Internet crimes against children offenses, including assisting other ICAC task forces, as well as other Federal, State, and local agencies with Internet crimes against children investigations and prosecutions;

(8) developing and delivering Internet crimes against children public awareness and prevention programs; and

(9) participating in such other activities, both proactive and reactive, that will enhance investigations and prosecutions of Internet crimes against children.

SEC. 104. DUTIES AND FUNCTIONS OF TASK FORCES.

Each State or local ICAC task force that is part of the national program of task forces shall—

(1) consist of State and local investigators, prosecutors, forensic specialists, and education specialists who are dedicated to addressing the goals of such task force;

(2) work consistently toward achieving the purposes described in section 103;

(3) engage in proactive investigations, forensic examinations, and effective prosecutions of Internet crimes against children;

(4) provide forensic, preventive, and investigative assistance to parents, educators, prosecutors, law enforcement, and others concerned with Internet crimes against children;

(5) develop multijurisdictional, multiagency responses and partnerships to Internet crimes against children offenses through ongoing informational, administrative, and technological support to other State and local law enforcement agencies, as a means for such agencies to acquire the necessary knowledge, personnel, and specialized equipment to investigate and prosecute such offenses;

(6) participate in nationally coordinated investigations in any case in which the Attorney General determines such participation to be necessary, as permitted by the available resources of such task force;

(7) establish or adopt investigative and prosecution standards, consistent with established norms, to which such task force shall comply;

(8) investigate, and seek prosecution on, tips related to Internet crimes against children, including tips from the National Internet Crimes Against Children Data System established in section 105, the National Center for Missing and Exploited Children's CyberTipline, ICAC task forces, and other Federal, State, and local agencies, with priority being given to investigative leads that indicate the possibility of identifying or rescuing child victims, including investigative leads that indicate a likelihood of seriousness of offense or dangerousness to the community;

(9) develop procedures for handling seized evidence;

(10) maintain—

(A) such reports and records as are required under this title; and

(B) such other reports and records as determined by the Attorney General; and

(11) seek to comply with national standards regarding the investigation and prosecution of Internet crimes against children, as set forth by the Attorney General, to the extent such standards are consistent with the law of the State where the task force is located.

SEC. 105. NATIONAL INTERNET CRIMES AGAINST CHILDREN DATA SYSTEM.

(a) IN GENERAL.—The Attorney General shall establish a National Internet Crimes Against Children Data System.

(b) INTENT OF CONGRESS.—It is the purpose and intent of Congress that the National Internet Crimes Against Children Data System established in subsection (a) is intended to continue and build upon Operation Fairplay developed by the Wyoming Attorney General's office, which has established a secure, dynamic undercover infrastructure that has facilitated online law enforcement investigations of child exploitation, information sharing, and the capacity to collect and aggregate data on the extent of the problems of child exploitation.

(c) PURPOSE OF SYSTEM.—The National Internet Crimes Against Children Data System established under subsection (a) shall be dedicated to assisting and supporting credentialed law enforcement agencies authorized to investigate child exploitation in accordance with Federal, State, local, and tribal laws, including by providing assistance and support to—

(1) Federal agencies investigating and prosecuting child exploitation;

(2) the ICAC Task Force Program established under section 102; and

(3) State, local, and tribal agencies investigating and prosecuting child exploitation.

(d) CYBER SAFE DECONFLICTION AND INFORMATION SHARING.—The National Internet Crimes Against Children Data System established under subsection (a)—

(1) shall be housed and maintained within the Department of Justice or a credentialed law enforcement agency;

(2) shall be made available for a nominal charge to support credentialed law enforcement agencies in accordance with subsection (c); and

(3) shall—

(A) allow Federal, State, local, and tribal agencies and ICAC task forces investigating and prosecuting child exploitation to contribute and access data for use in resolving case conflicts;

(B) provide, directly or in partnership with a credentialed law enforcement agency, a dynamic undercover infrastructure to facilitate online law enforcement investigations of child exploitation;

(C) facilitate the development of essential software and network capability for law enforcement participants; and

(D) provide software or direct hosting and support for online investigations of child exploitation activities, or, in the alternative, provide users with a secure connection to an alternative system that provides such capabilities, provided that the system is hosted within a governmental agency or a credentialed law enforcement agency.

(e) COLLECTION AND REPORTING OF DATA.—

(1) IN GENERAL.—The National Internet Crimes Against Children Data System established under subsection (a) shall ensure the following:

(A) REAL-TIME REPORTING.—All child exploitation cases involving local child victims that are reasonably detectable using available software and data are, immediately upon their detection, made available to participating law enforcement agencies.

(B) HIGH-PRIORITY SUSPECTS.—Every 30 days, at minimum, the National Internet Crimes Against Children Data System shall—

(i) identify high-priority suspects, as such suspects are determined by the volume of suspected criminal activity or other indicators of seriousness of offense or dangerousness to the community or a potential local victim; and

(ii) report all such identified high-priority suspects to participating law enforcement agencies.

(C) ANNUAL REPORTS.—Any statistical data indicating the overall magnitude of child pornography trafficking and child exploitation in the United States and internationally is made available and included in the National Strategy, as is required under section 101(c)(16).

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the ability of participating law enforcement agencies to disseminate investigative leads or statistical information in accordance with State and local laws.

(f) MANDATORY REQUIREMENTS OF NETWORK.—The National Internet Crimes Against Children Data System established under subsection (a) shall develop, deploy, and maintain an integrated technology and training program that provides—

(1) a secure, online system for Federal law enforcement agencies, ICAC task forces, and other State, local, and tribal law enforcement agencies for use in resolving case conflicts, as provided in subsection (d);

(2) a secure system enabling online communication and collaboration by Federal law enforcement agencies, ICAC task forces, and other State, local, and tribal law enforcement agencies regarding ongoing investigations, investigatory techniques, best practices, and any other relevant news and professional information;

(3) a secure online data storage and analysis system for use by Federal law enforcement agencies, ICAC task forces, and other State, local, and tribal law enforcement agencies;

(4) secure connections or interaction with State and local law enforcement computer networks, consistent with reasonable and established security protocols and guidelines;

(5) guidelines for use of the National Internet Crimes Against Children Data System by Federal, State, local, and tribal law enforcement agencies and ICAC task forces; and

(6) training and technical assistance on the use of the National Internet Crimes Against Children Data System by Federal, State, local, and tribal law enforcement agencies and ICAC task forces.

(g) NATIONAL INTERNET CRIMES AGAINST CHILDREN DATA SYSTEM STEERING COMMITTEE.—The Attorney General shall establish a National Internet Crimes Against Children Data System Steering Committee to provide guidance to the Network relating to the program under subsection (f), and to assist in the development of strategic plans for the System. The Steering Committee shall consist of 10 members with expertise in child exploitation prevention and interdiction prosecution, investigation, or prevention, including—

(1) 3 representatives elected by the local directors of the ICAC task forces, such representatives shall represent different geographic regions of the country;

(2) 1 representative of the Department of Justice Office of Information Services;

(3) 1 representative from Operation Fairplay, currently hosted at the Wyoming Office of the Attorney General;

(4) 1 representative from the law enforcement agency having primary responsibility for hosting and maintaining the National Internet Crimes Against Children Data System;

(5) 1 representative of the Federal Bureau of Investigation's Innocent Images National Initiative or Regional Computer Forensic Lab program;

(6) 1 representative of the Immigration and Customs Enforcement's Cyber Crimes Center;

(7) 1 representative of the United States Postal Inspection Service; and

(8) 1 representative of the Department of Justice.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of the fiscal years 2009 through 2016, $2,000,000 to carry out the provisions of this section.

SEC. 106. ICAC GRANT PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Attorney General is authorized to award grants to State and local ICAC task forces to assist in carrying out the duties and functions described under section 104.

(2) FORMULA GRANTS.—

(A) DEVELOPMENT OF FORMULA.—At least 75 percent of the total funds appropriated to carry out this section shall be available to award or otherwise distribute grants pursuant to a funding formula established by the Attorney General in accordance with the requirements in subparagraph (B).

(B) FORMULA REQUIREMENTS.—Any formula established by the Attorney General under subparagraph (A) shall—

(i) ensure that each State or local ICAC task force shall, at a minimum, receive an amount equal to 0.5 percent of the funds available to award or otherwise distribute grants under subparagraph (A); and

(ii) take into consideration the following factors:

(I) The population of each State, as determined by the most recent decennial census performed by the Bureau of the Census.

(II) The number of investigative leads within the applicant's jurisdiction generated by the ICAC Data Network, the CyberTipline, and other sources.

(III) The number of criminal cases related to Internet crimes against children referred to a task force for Federal, State, or local prosecution.

(IV) The number of successful prosecutions of child exploitation cases by a task force.

(V) The amount of training, technical assistance, and public education or outreach by a task force related to the prevention, investigation, or prosecution of child exploitation offenses.

(VI) Such other criteria as the Attorney General determines demonstrate the level of need for additional resources by a task force.

(3) DISTRIBUTION OF REMAINING FUNDS BASED ON NEED.—

(A) IN GENERAL.—Any funds remaining from the total funds appropriated to carry out this section after funds have been made available to award or otherwise distribute formula grants under paragraph (2)(A) shall be distributed to State and local ICAC task forces based upon need, as set forth by criteria established by the Attorney General. Such criteria shall include the factors under paragraph (2)(B)(ii).

(B) MATCHING REQUIREMENT.—A State or local ICAC task force shall contribute matching non-Federal funds in an amount equal to not less than 25 percent of the amount of funds received by the State or local ICAC task force under subparagraph (A). A State or local ICAC task force that is not able or willing to contribute matching funds in accordance with this subparagraph shall not be eligible for funds under subparagraph (A).

(C) WAIVER.—The Attorney General may waive, in whole or in part, the matching requirement under subparagraph (B) if the State or local ICAC task force demonstrates good cause or financial hardship.

(b) APPLICATION.—

(1) IN GENERAL.—Each State or local ICAC task force seeking a grant under this section shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Attorney General determines to be essential to ensure compliance with the requirements of this title.

(c) ALLOWABLE USES.—Grants awarded under this section may be used to—

(1) hire personnel, investigators, prosecutors, education specialists, and forensic specialists;

(2) establish and support forensic laboratories utilized in Internet crimes against children investigations;

(3) support investigations and prosecutions of Internet crimes against children;

(4) conduct and assist with education programs to help children and parents protect themselves from Internet predators;

(5) conduct and attend training sessions related to successful investigations and prosecutions of Internet crimes against children; and

(6) fund any other activities directly related to preventing, investigating, or prosecuting Internet crimes against children.

(d) REPORTING REQUIREMENTS.—

(1) ICAC REPORTS.—To measure the results of the activities funded by grants under this section, and to assist the Attorney General in complying with the Government Performance and Results Act (Public Law 103–62; 107 Stat. 285),

each State or local ICAC task force receiving a grant under this section shall, on an annual basis, submit a report to the Attorney General that sets forth the following:

(A) Staffing levels of the task force, including the number of investigators, prosecutors, education specialists, and forensic specialists dedicated to investigating and prosecuting Internet crimes against children.

(B) Investigation and prosecution performance measures of the task force, including—

(i) the number of investigations initiated related to Internet crimes against children;

(ii) the number of arrests related to Internet crimes against children; and

(iii) the number of prosecutions for Internet crimes against children, including—

(I) whether the prosecution resulted in a conviction for such crime; and

(II) the sentence and the statutory maximum for such crime under State law.

(C) The number of referrals made by the task force to the United States Attorneys office, including whether the referral was accepted by the United States Attorney.

(D) Statistics that account for the disposition of investigations that do not result in arrests or prosecutions, such as referrals to other law enforcement.

(E) The number of investigative technical assistance sessions that the task force provided to nonmember law enforcement agencies.

(F) The number of computer forensic examinations that the task force completed.

(G) The number of law enforcement agencies participating in Internet crimes against children program standards established by the task force.

(2) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit a report to Congress on—

(A) the progress of the development of the ICAC Task Force Program established under section 102; and

(B) the number of Federal and State investigations, prosecutions, and convictions in the prior 12-month period related to child exploitation.

SEC. 107. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title—

(1) $60,000,000 for fiscal year 2009;

(2) $75,000,000 for fiscal year 2010;

(3) $75,000,000 for fiscal year 2011;

(4) $75,000,000 for fiscal year 2012;

(5) $75,000,000 for fiscal year 2013;

(6) $75,000,000 for fiscal year 2014;

(7) $100,000,000 for fiscal year 2015; and

(8) $100,000,000 for fiscal year 2016.

(b) AVAILABILITY.—Funds appropriated under subsection (a) shall remain available until expended.

TITLE II—ADDITIONAL MEASURES TO COMBAT CHILD EXPLOITATION

SEC. 201. ADDITIONAL REGIONAL COMPUTER FORENSIC LABS.

(a) ADDITIONAL RESOURCES.—The Attorney General shall establish additional computer forensic capacity to address the current backlog for computer forensics, including for child exploitation investigations. The Attorney General may utilize funds under this title to increase capacity at existing regional forensic laboratories or to add laboratories under the Regional Computer Forensic Laboratories Program operated by the Federal Bureau of Investigation.

(b) PURPOSE OF NEW RESOURCES.—The additional forensic capacity established by resources provided under this section shall be dedicated to assist Federal agencies, State and local Internet Crimes Against Children task forces, and other Federal, State, and local law enforcement agencies in preventing, investigating, and prosecuting Internet crimes against children.

(c) NEW COMPUTER FORENSIC LABS.—If the Attorney General determines that new regional computer forensic laboratories are required under subsection (a) to best address existing backlogs, such new laboratories shall be established pursuant to subsection (d).

(d) LOCATION OF NEW LABS.—The location of any new regional computer forensic laboratories under this section shall be determined by the Attorney General, in consultation with the Director of the Federal Bureau of Investigation, the Regional Computer Forensic Laboratory National Steering Committee, and other relevant stakeholders.

(e) REPORT.—Not later than 1 year after the date of enactment of this Act, and every year thereafter, the Attorney General shall submit a report to the Congress on how the funds appropriated under this section were utilized.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal years 2009 through 2016, $7,000,000 to carry out the provisions of this section.

SEC. 202. ADDITIONAL FIELD AGENTS FOR THE FBI.

(a) IN GENERAL.—There are authorized to be appropriated to the Attorney General $30,000,000 for each of the fiscal years 2009 through 2016 to fund the hiring of full-time Federal Bureau of Investigation field agents and associated analysts and support staff in addition to the number of such employees serving in those capacities on the date of enactment of this Act.

(b) SOLE PURPOSE.—The sole purpose of the additional staff required to be hired under subsection (a) is to work on child exploitation cases as part of the Federal Bureau of Investigation's Innocent Images National Initiative.

SEC. 203. IMMIGRATION AND CUSTOMS ENFORCEMENT ENHANCEMENT.

(a) ADDITIONAL AGENTS.—There are authorized to be appropriated to the Secretary of Homeland Security $15,000,000, for each of the fiscal years 2009 through 2016, to fund the hiring of full-time agents and associated analysts and support staff within the Bureau of Immigration and Customs Enforcement in addition to the number of such employees serving in those capacities on the date of enactment of this Act.

(b) SOLE PURPOSE.—The sole purpose of the additional staff required to be hired under subsection (a) is to work on child exploitation and child obscenity cases.

SEC. 204. COMBATING CHILD EXPLOITATION VIA THE UNITED STATES POSTAL SERVICE.

(a) IN GENERAL.—There are authorized to be appropriated to the Postmaster General $5,000,000, for each of the fiscal years 2009 through 2016, to fund the hiring of full-time postal inspectors and associated analysts and support staff in addition to the number of such employees serving in those capacities on the date of the enactment of this Act.

(b) SOLE PURPOSE.—The sole purpose of the additional staff required to be hired under subsection (a) is to work on child exploitation and child obscenity cases and may be used to support the Deliver Me Home program developed by the United States Postal Service.

TITLE III—EFFECTIVE CHILD PORNOGRAPHY PROSECUTION

SEC. 301. EFFECTIVE CHILD PORNOGRAPHY PROSECUTION.

(a) SEXUAL EXPLOITATION OF CHILDREN.—Section 2251 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''knows or has reason to know'' and all that follows through the period at the end, and inserting ''transported in or affecting interstate or foreign commerce or using a facility or means of interstate or foreign commerce or mailed, if such visual depiction was produced using materials that have been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer, or if such visual depiction has actually been transported in or affecting interstate or foreign commerce or using a facility or means of interstate or foreign commerce or mailed.'';

(2) in subsection (b), by striking ''knows or has reason to know'' and all that follows through the period at the end, and inserting ''transported in or affecting interstate or foreign commerce or using a facility or means of interstate or foreign commerce or mailed, if such visual depiction was produced using materials that have been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer, or if such visual depiction has actually been transported in or affecting interstate or foreign commerce or using a facility or means of interstate or foreign commerce or mailed.'';

(3) in subsection (c)(2)—

(A) in subparagraph (A), by striking ''computer'' and inserting ''using a facility or means of interstate or foreign commerce''; and

(B) in subparagraph (B), by striking ''computer'' and inserting ''using a facility or means of interstate or foreign commerce''; and

(4) in subsection (d)(2)—

(A) in subparagraph (A), by striking ''transported in interstate'' and all that follows through ''computer'' and inserting ''transported in or affecting interstate or foreign commerce or using a facility or means of interstate or foreign commerce,''; and

(B) in subparagraph (B), by striking ''transported in interstate'' and all that follows through ''computer'' and inserting ''transported in or affecting interstate or foreign commerce or using a facility or means of interstate or foreign commerce,''.

(b) SELLING OR BUYING OF CHILDREN.—Subsection (c)(2) of section 2251A of title 18, United States Code, is amended by striking ''in interstate or foreign'' and all that follows through ''computer or'' and inserting ''in or affecting interstate or foreign commerce or using a facility or means of interstate or foreign commerce, or by''.

(c) MATERIAL INVOLVING THE SEXUAL EXPLOITATION OF MINORS.—Subsection (a) of section 2252 of title 18, United States Code, is amended—

(1) in paragraph (1), by striking ''in interstate or foreign'' and all that follows through ''computer'' and inserting ''in or affecting interstate or foreign commerce or using a facility or means of interstate or foreign commerce'';

(2) in paragraph (2)—

(A) by striking ''has been shipped or transported in interstate or foreign commerce'' and inserting ''has been shipped or transported in or affecting interstate or foreign commerce or using a facility or means of interstate or foreign commerce''; and

(B) by striking ''distribution in interstate or foreign commerce'' and inserting ''distribution in or affecting interstate or foreign commerce or using a facility or means of interstate or foreign commerce'';

(3) in paragraph (3)(B), by striking ''has been shipped or transported in interstate or foreign commerce'' and inserting ''has been shipped or transported in or affecting interstate or foreign commerce or using a facility or means of interstate or foreign commerce''; and

(4) in paragraph (4)(B), by striking ''has been shipped or transported in interstate or foreign commerce'' and inserting ''has been shipped or transported in or affecting interstate or foreign commerce or using a facility or means of interstate or foreign commerce''.

(d) MATERIAL CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—Subsection (a) of section 2252A of title 18, United States Code, is amended—

(1) by striking ''in interstate or foreign commerce by any means, including by computer'' each place that term appears and inserting ''in or affecting interstate or foreign commerce or using a facility or means of interstate or foreign commerce''; and

(2) in paragraph (6)(C), by striking ''or by transmitting or causing to be transmitted any wire communication in interstate or foreign

commerce, including by computer'' and inserting ''or a facility or means of interstate or foreign commerce''.

(e) OBSCENE VISUAL REPRESENTATIONS OF THE SEXUAL ABUSE OF CHILDREN.—Subsection (d)(4) of section 1466A of title 18, United States Code, is amended by striking ''has been shipped transported in interstate or foreign commerce by any means, including by computer'' and inserting ''has been shipped or transported in or affecting interstate or foreign commerce or using a facility or means of interstate or foreign commerce''.

(f) RULE OF CONSTRUCTION.—Nothing in this title, or any amendment by this title, shall be construed to foreclose any argument or ruling with respect to any Federal law that, for the purposes of Federal jurisdiction, the use of a facility or means of interstate or foreign commerce affects interstate or foreign commerce.

SEC. 302. PROHIBIT THE BROADCAST OF LIVE IMAGES OF CHILD ABUSE.

Section 2251 of title 18, United States Code is amended—

(1) in subsection (a), by—

(A) inserting ''or for the purpose of transmitting a live visual depiction of such conduct'' after ''for the purpose of producing any visual depiction of such conduct'';

(B) inserting ''or transmitted'' after ''if such person knows or has reason to know that such visual depiction will be transported'';

(C) inserting ''or transmitted'' after ''if that visual depiction was produced''; and

(D) inserting ''or transmitted'' after ''has actually been transported''; and

(2) in subsection (b), by—

(A) inserting ''or for the purpose of transmitting a live visual depiction of such conduct'' after ''for the purpose of producing any visual depiction of such conduct'';

(B) inserting ''or transmitted'' after ''person knows or has reason to know that such visual depiction will be transported'';

(C) inserting ''or transmitted'' after ''if that visual depiction was produced''; and

(D) inserting ''or transmitted'' after ''has actually been transported''.

SEC. 303. AMENDMENT TO SECTION 2256 OF TITLE 18, UNITED STATES CODE.

Section 2256(5) of title 18, United States Code is amended by—

(1) striking ''and'' before ''data'';

(2) after ''visual image'' by inserting '', and data which is capable of conversion into a visual image that has been transmitted by any means, whether or not stored in a permanent format''.

SEC. 304. AMENDMENT TO SECTION 2260 OF TITLE 18, UNITED STATES CODE.

Section 2260(a) of title 18, United States Code, is amended by—

(1) inserting ''or for the purpose of transmitting a live visual depiction of such conduct'' after ''for the purpose of producing any visual depiction of such conduct''; and

(2) inserting ''or transmitted'' after ''imported''.

SEC. 305. PROHIBITING THE ALTERATION OF AN IMAGE OF A REAL CHILD TO CREATE AN IMAGE OF SEXUALLY EXPLICIT CONDUCT.

(a) IN GENERAL.—Subsection (a) of section 2252A of title 18, United States Code, is amended—

(1) in paragraph (5) by striking ''; or'' and inserting a semicolon;

(2) in paragraph (6), by striking the period at the end and inserting ''; or''; and

(3) by inserting at the end the following:

''(7) knowingly creates, alters, adapts, or modifies a visual depiction of an identifiable minor, as defined in section 2256(9), so that it depicts child pornography as defined in section 2256(8), and intends to distribute or actually distributes that visual depiction by any means, where such person knows or has reason to know that such visual depiction will be transported in or affecting interstate or foreign commerce or using a facility or means of interstate or foreign commerce or mailed, where such visual depiction has actually been transported in or affecting interstate or foreign commerce or using a facility or means of interstate or foreign commerce or mailed, or where the visual depiction was produced using materials that have been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer,''.

(b) PENALTY.—Section 2252A(b) of title 18, United States Code, is amended by striking ''(4), or (6)'' and inserting ''(4), (6), or (7)''.

SEC. 306. REFERRALS TO AUTHORIZED FOREIGN LAW ENFORCEMENT AGENCIES.

(a) VOLUNTARY REPORTS.—A provider of electronic communication services or remote computing services may voluntarily make a report, as defined at section 227(b)(1) of the Victims of Child abuse Act of 1990 (42 U.S.C. 13032(b)(1)), directly to a representative of a foreign law enforcement agency—

(1) of a foreign state that is a signatory to a Mutual Legal Assistance Treaty with the United States that has been ratified by the United States Senate and has come into force; and

(2) that has certified in writing that the request is made for the purpose of investigating, or engaging in enforcement proceedings related to, possible violations of foreign laws related to child pornography and child exploitation similar to practices prohibited by sections 2251, 2251A, 2252, 2252A, 2252B, or 2260 of title 18, United States Code, involving child pornography (as defined in section 2256 of that title), or 1466A of that title.

(b) REPORTS TO FOREIGN LAW ENFORCEMENT.—Reports to foreign law enforcement may only be transmitted to the Central Authority designated in the foreign country's Mutual Legal Assistance Treaty with the United States and may only be transmitted via mail or fax, or via electronic mail to a government-owned e-mail domain.

(c) REPORTS TO NCMEC.—Nothing in this section shall be construed to relieve providers of electronic communication services or remote computing services of their obligations under section 227(b)(1) of the Victims of Child abuse Act of 1990 (42 U.S.C. 13032(b)(1)) to make reports to the National Center for Missing and Exploited Children.

(d) LIMITATION ON LIABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), a provider of electronic communication services or remote computing services, or any of its directors, officers, employees, or agents, is not liable in any civil or criminal action arising from the performance of the reporting activities described in subsection (a).

(2) INTENTIONAL, RECKLESS, OR OTHER MISCONDUCT.—Paragraph (1) does not apply in an action in which a party proves that the provider of electronic communication services or remote computing services, or its officer, employee, or agent as the case may be, engaged in intentional misconduct or acted with actual malice, or with reckless disregard to a substantial risk of causing injury without legal justification.

TITLE IV—NATIONAL INSTITUTE OF JUSTICE STUDY OF RISK FACTORS

SEC. 401. NIJ STUDY OF RISK FACTORS FOR ASSESSING DANGEROUSNESS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the National Institute of Justice shall prepare a report to identify investigative factors that reliably indicate whether a subject of an online child exploitation investigation poses a higher risk of harm to children. Such a report shall be prepared in consultation and coordination with Federal law enforcement agencies, the National Center for Missing and Exploited Children, Operation Fairplay at the Wyoming Attorney General's Office, the Internet Crimes Against Children Task Force, and other State and local law enforcement.

(b) CONTENTS OF ANALYSIS.—The report required by subsection (a) shall include a thorough analysis of potential investigative factors in on-line child exploitation cases and an appropriate examination of investigative data from prior prosecutions and case files of identified child victims.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the National Institute of Justice shall submit a report to the House and Senate Judiciary Committees that includes the findings of the study required by this section and makes recommendations on technological tools and law enforcement procedures to help investigators prioritize scarce resources to those cases where there is actual hands-on abuse by the suspect.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 to the National Institute of Justice to conduct the study required under this section.

Mr. DURBIN. Mr. President, I ask unanimous consent that the committee substitute be withdrawn; a Biden substitute amendment, which is at the desk, be agreed to; the bill, as amended, be read a third time and passed; the title amendment be agreed to; the motions to reconsider be laid upon the table with no intervening action or debate, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5650) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The bill (S. 1738), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

The amendment (No. 5651) was agreed to, as follows:

Amend the title so as to read: ''To require the Department of Justice to develop and implement a National Strategy Child Exploitation Prevention and Interdiction, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute child predators.''

RUNAWAY AND HOMELESS PROTECTION ACT

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 751, S. 2982.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2982) to amend the Runaway and Homeless Youth Act to authorize appropriations, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and insert in lieu there of the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Runaway and Homeless Youth Protection Act''.

SEC. 2. FINDINGS.

Section 302 of the Runaway and Homeless Youth Act (42 U.S.C. 5701) is amended—

(1) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(2) by inserting after paragraph (2) the following:

''(3) services to such young people should be developed and provided using a positive youth development approach that ensures a young person a sense of—

''(A) safety and structure;

''(B) belonging and membership;

''(C) self-worth and social contribution;

''(D) independence and control over one's life; and

''(E) closeness in interpersonal relationships.''.

SEC. 3. BASIC CENTER PROGRAM.

(a) SERVICES PROVIDED.—Section 311 of the Runaway and Homeless Youth Act (42 U.S.C. 5711) is amended—

(1) in subsection (a)(2)(B), by striking clause (i) and inserting the following:

''(i) safe and appropriate shelter provided for not to exceed 21 days; and''; and

(2) in subsection (b)(2)—

(A) by striking ''$100,000'' and inserting ''$200,000'';

(B) by striking ''$45,000'' and inserting ''$70,000''; and

(C) by adding at the end the following: ''Whenever the Secretary determines that any part of the amount allotted under paragraph (1) to a State for a fiscal year will not be obligated before the end of the fiscal year, the Secretary shall reallot such part to the remaining States for obligation for the fiscal year.''.

(b) ELIGIBILITY.—Section 312(b) of the Runaway and Homeless Youth Act (42 U.S.C. 5712(b)) is amended—

(1) in paragraph (11) by striking ''and'' at the end;

(2) in paragraph (12) by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(13) shall develop an adequate emergency preparedness and management plan.''.

SEC. 4. TRANSITIONAL LIVING GRANT PROGRAM.

(a) ELIGIBILITY.—Section 322(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5714–2(a)) is amended—

(1) in paragraph (1)—

(A) by striking ''indirectly'' and inserting ''by contract''; and

(B) by striking ''services'' the first place it appears and inserting ''provide, directly or indirectly, services,'';

(2) in paragraph (2), by striking ''a continuous period not to exceed 540 days, except that'' and all that follows and inserting the following: ''a continuous period not to exceed 635 days, except that a youth in a program under this part who has not reached 18 years of age on the last day of the 635-day period may, if otherwise qualified for the program, remain in the program until the earlier of the youth's 18th birthday or the 180th day after the end of the 635-day period;'';

(3) in paragraph (14), by striking ''and'' at the end;

(4) in paragraph (15), by striking the period and inserting ''; and''; and

(5) by adding at the end the following:

''(16) to develop an adequate emergency preparedness and management plan.''.

SEC. 5. GRANTS FOR RESEARCH EVALUATION, DEMONSTRATION, AND SERVICE PROJECTS.

Section 343 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–23) is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''special consideration'' and inserting ''priority'';

(B) in paragraph (8)—

(i) by striking ''to health'' and inserting ''to quality health'';

(ii) by striking ''mental health care'' and inserting ''behavioral health care''; and

(iii) by striking ''and'' at the end;

(C) in paragraph (9), by striking the period at the end and inserting '', including access to educational and workforce programs to achieve outcomes such as decreasing high school dropout rates, increasing rates of attaining a secondary school diploma or its recognized equivalent, or increasing placement and retention in postsecondary education or advanced workforce training programs; and''; and

(D) by adding at the end the following:

''(10) providing programs, which shall include innovative programs, that assist youth in obtaining and maintaining safe and stable housing, and which may include programs with supportive services that continue after the youth complete the remainder of the programs.''; and

(2) by striking subsection (c) and inserting the following:

''(c) In selecting among applicants for grants under subsection (a), the Secretary shall—

''(1) give priority to applicants who have experience working with runaway or homeless youth in high-quality programs; and

''(2) ensure that the applicants selected—

''(A) represent diverse geographic regions of the United States; and

''(B) carry out projects that serve diverse populations of runaway or homeless youth.''.

SEC. 6. COORDINATING, TRAINING, RESEARCH, AND OTHER ACTIVITIES.

Part D of the Runaway and Homeless Youth Act (42 U.S.C. 5714–21 et seq.) is amended by adding at the end the following:

''SEC. 345. PERIODIC ESTIMATE OF INCIDENCE AND PREVALENCE OF YOUTH HOMELESSNESS.

''(a) PERIODIC ESTIMATE.—Not later than 2 years after the date of enactment of the Runaway and Homeless Youth Protection Act, and at 5-year intervals thereafter, the Secretary shall prepare, and submit to the Speaker of the House of Representatives and the President pro tempore of the Senate, a written report that—

''(1) contains an estimate, obtained by using the best quantitative and qualitative social science research methods available, of the incidence and prevalence of runaway and homeless individuals who are not less than 13 years of age but less than 26 years of age; and

''(2) includes with such estimate an assessment of the characteristics of such individuals.

''(b) CONTENT.—Each assessment required by subsection (a) shall include—

''(1) the results of conducting a survey of, and direct interviews with, a representative sample of runaway and homeless individuals who are not less than 13 years of age but less than 26 years of age to determine past and current—

''(A) socioeconomic characteristics of such individuals; and

''(B) barriers to such individuals obtaining—

''(i) safe, quality, and affordable housing;

''(ii) comprehensive and affordable health insurance and health services; and

''(iii) incomes, public benefits, supportive services, and connections to caring adults; and

''(2) such other information as the Secretary determines, in consultation with States, units of local government, and national nongovernmental organizations concerned with homelessness, may be useful.

''(c) IMPLEMENTATION.—If the Secretary enters into any agreement with a non-Federal entity for purposes of carrying out subsection (a), such entity shall be a nongovernmental organization, or an individual, determined by the Secretary to have appropriate expertise in quantitative and qualitative social science research.''.

SEC. 7. SEXUAL ABUSE PREVENTION PROGRAM.

Section 351(b) of the Runaway and Homeless Youth Act (42 U.S.C. 5714–41(b)) is amended by inserting ''public and'' after ''priority to''.

SEC. 8. NATIONAL HOMELESS YOUTH AWARENESS CAMPAIGN.

The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(1) by redesignating part F as part G; and

(2) by inserting after part E the following:

''PART F—NATIONAL HOMELESS YOUTH AWARENESS CAMPAIGN

''SEC. 361. NATIONAL HOMELESS YOUTH AWARENESS CAMPAIGN.

''(a) AWARENESS CAMPAIGN.—The Secretary shall, directly or through grants or contracts, conduct a national homeless youth awareness campaign (referred to in this section as the 'national awareness campaign') in accordance with this section for purposes of—

''(1) increasing awareness of individuals of all ages, socioeconomic backgrounds, and geographic locations, of the issues facing runaway and homeless youth (including youth considering running away); and

''(2) encouraging parents and guardians, educators, health care professionals, social service professionals, law enforcement officials, stakeholders, and other community members to assist youth described in paragraph (1) in averting or resolving runaway and homeless situations.

''(b) USE OF FUNDS.—Funds made available to carry out this part for the national awareness campaign may only be used for the following:

''(1) Dissemination of educational information and materials through various media, including television, radio, the Internet and related technologies, and emerging technologies.

''(2) Evaluation of the effectiveness of the activities described in paragraphs (1) and (5).

''(3) Development of partnerships with national organizations concerned with youth homelessness, community-based youth service organizations, including faith-based organizations, and government organizations to carry out the national awareness campaign.

''(4) Conducting outreach activities to stakeholders and potential stakeholders in the national awareness campaign.

''(5) In accordance with applicable laws (including regulations), development and placement in telecommunications media (including the Internet and related technologies, and emerging technologies) of public service announcements that educate the public on—

''(A) the issues facing runaway and homeless youth (including youth considering running away); and

''(B) the opportunities that adults have to assist youth described in subparagraph (A).

''(c) PROHIBITIONS.—None of the funds made available to carry out this part may be obligated or expended for any of the following:

''(1) To fund public service time that supplants pro bono public service time donated by national or local broadcasting networks, advertising agencies, or production companies for the national awareness campaign, or to fund activities that supplant pro bono work for the national awareness campaign.

''(2) To carry out partisan political purposes, or express advocacy in support of or opposition to any clearly identified candidate, clearly identified ballot initiative, or clearly identified legislative or regulatory proposal.

''(3) To fund advertising that features any elected official, person seeking elected office, cabinet level official, or other Federal employee employed pursuant to section 213.3301 or 213.3302 of title 5, Code of Federal Regulations (or any corresponding similar regulation or ruling).

''(4) To fund advertising that does not contain a primary message intended to educate the public on the issues and opportunities described in subsection (b)(5).

''(5) To fund advertising that solicits contributions from both public and private sources to support the national awareness campaign.

''(d) FINANCIAL AND PERFORMANCE ACCOUNTABILITY.—The Secretary shall cause to be performed—

''(1) audits and examinations of records, relating to the costs of the national awareness campaign, pursuant to section 304C of the Federal

Property and Administrative Services Act of 1949 (41 U.S.C. 254d); and

''(2) audits to determine whether the costs of the national awareness campaign are allowable under section 306 of such Act (41 U.S.C. 256).

''(e) REPORT.—The Secretary shall include in each report submitted under section 382(a) a summary of information about the national awareness campaign that describes—

''(1) the strategy of the national awareness campaign and whether specific objectives of the campaign were accomplished;

''(2) steps taken to ensure that the national awareness campaign operated in an effective and efficient manner consistent with the overall strategy and focus of the national awareness campaign; and

''(3) all grants or contracts entered into with a corporation, partnership, or individual working on the national awareness campaign.''.

SEC. 9. CONFORMING AMENDMENTS.

(a) REPORTS.—Section 382(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5715(a)) is amended by striking '', and E'' and inserting '', E, and F''.

(b) CONSOLIDATED REVIEW.—Section 385 of the Runaway and Homeless Youth Act (42 U.S.C. 5731a) is amended by striking '', and E'' and inserting '', E, and F''.

(c) EVALUATION AND INFORMATION.—Section 386(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5732(a)) is amended by striking '', or E'' and inserting '', E, or F''.

SEC. 10. PERFORMANCE STANDARDS.

Part G of the Runaway and Homeless Youth Act (42 U.S.C. 5714a et seq.), as redesignated by section 8, is amended by inserting after section 386 the following:

''SEC. 386A. PERFORMANCE STANDARDS.

''(a) ESTABLISHMENT OF PERFORMANCE STANDARDS.—Not later than 1 year after the date of enactment of the Runaway and Homeless Youth Protection Act, the Secretary shall issue rules that specify performance standards for public and nonprofit private entities that receive grants under sections 311, 321, and 351.

''(b) CONSULTATION.—The Secretary shall consult with representatives of public and nonprofit private entities that receive grants under this title, including statewide and regional nonprofit organizations (including combinations of such organizations) that receive grants under this title, and national nonprofit organizations concerned with youth homelessness, in developing the performance standards required by subsection (a).

''(c) IMPLEMENTATION OF PERFORMANCE STANDARDS.—The Secretary shall integrate the performance standards into the processes of the Department of Health and Human Services for grantmaking, monitoring, and evaluation for programs under parts A, B, and E.''.

SEC. 11. GOVERNMENT ACCOUNTABILITY OFFICE STUDY AND REPORT.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study, including making findings and recommendations, relating to the processes for making grants under parts A, B, and E of the Runaway and Homeless Youth Act (42 U.S.C. 5711 et seq., 5714–1 et seq., 5714–41).

(2) SUBJECTS.—In particular, the Comptroller General shall study—

(A) the Secretary's written responses to and other communications with applicants who do not receive grants under part A, B, or E of such Act, to determine if the information provided in the responses and communications is conveyed clearly;

(B) the content of the grant applications for the grants, and of other associated documents (including grant announcements), to determine if the applications and other associated documents are presented in a way that gives an applicant a clear understanding of the information that the applicant must provide in each portion of an application to successfully complete it, and a clear understanding of the terminology used throughout the application and other associated documents;

(C) the peer review process for applications for the grants, including the selection of peer reviewers, the oversight of the process by staff of the Department of Health and Human Services, and the extent to which such staff make funding determinations based on the comments and scores of the peer reviewers;

(D) the typical timeframe, and the process and responsibilities of such staff, for responding to applicants for the grants, and the efforts made by such staff to communicate with the applicants when funding decisions or funding for the grants is delayed, such as when funding is delayed due to funding of a program through appropriations made under a continuing resolution; and

(E) the plans for implementation of, and the implementation of, where practicable, the technical assistance and training programs carried out under section 342 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–22), and the effect of such programs on the application process for the grants.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall prepare and submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report containing the findings and recommendations resulting from the study.

SEC. 12. DEFINITIONS.

(a) HOMELESS YOUTH.—Section 387(3) of the Runaway and Homeless Youth Act (42 U.S.C. 5732a(3)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''The'' and all that follows through ''means'' and inserting ''The term 'homeless', used with respect to a youth, means''; and

(2) in subparagraph (A)(ii), by striking ''not less than 16 years of age'' and inserting ''not less than 16 years of age and not more than 21 years of age, except that nothing in this clause shall prevent a participant who enters the program carried out under part B prior to reaching 22 years of age from being eligible for the 635-day length of stay authorized by section 322(a)(2); and''.

(b) RUNAWAY YOUTH.—Section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a) is amended—

(1) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively; and

(2) by inserting after paragraph (3) the following:

''(4) RUNAWAY YOUTH.—The term 'runaway', used with respect to a youth, means an individual who is less than 18 years of age and who absents himself or herself from home or a place of legal residence without the permission of a parent or legal guardian.''.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

Section 388(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5751(a)) is amended—

(1) in paragraph (1)—

(A) by striking ''is authorized'' and inserting ''are authorized'';

(B) by striking ''part E) $105,000,000 for fiscal year 2004'' and inserting ''section 345 and parts E and F) $150,000,000 for fiscal year 2009''; and

(C) by striking ''2005, 2006, 2007, and 2008'' and inserting ''2010, 2011, 2012, and 2013'';

(2) in paragraph (3)—

(A) by striking ''In'' and inserting the following:

''(A) IN GENERAL.—In'';

(B) by inserting ''(other than section 345)'' before the period; and

(C) by adding at the end the following:

''(B) PERIODIC ESTIMATE.—There are authorized to be appropriated to carry out section 345 such sums as may be necessary for fiscal years 2009, 2010, 2011, 2012, and 2013.'';

(3) in paragraph (4)—

(A) by striking ''is authorized'' and inserting ''are authorized''; and

(B) by striking ''such sums as may be necessary for fiscal years 2004, 2005, 2006, 2007, and 2008'' and inserting ''$30,000,000 for fiscal year 2009 and such sums as may be necessary for fiscal years 2010, 2011, 2012, and 2013''; and

(4) by adding at the end the following:

''(5) PART F.—There are authorized to be appropriated to carry out part F $3,000,000 for fiscal year 2009 and such sums as may be necessary for fiscal years 2010, 2011, 2012, and 2013.''.

Mr. LEAHY. Mr. President, this spring, I was proud to introduce the bipartisan Runaway and Homeless Youth Protection Act of 2008 along with Senator SPECTER, the ranking Republican on the Judiciary Committee. I am pleased that finally, after four months of delay due to an objection, the Senate has acted to pass this important bill.

The Runaway and Homeless Youth Protection Act was included in the Advancing America's Priorities Act, a larger package of bills the Senate considered this summer. All of the bills contained in the Advancing America's Priorities Act should have passed by consent, but were stalled on the Senate floor by Republican objection. Like most of the measures in the bill, the Runaway and Homeless Youth Protection Act has bipartisan backing and passed the House with overwhelming support. This is legislation on which we should all agree, and I am glad the objection has been lifted. I hope the House will quickly consider this legislation and send it to the President to be signed into law.

Regrettably, the junior Senator from Oklahoma, who neither attended the Judiciary Committee hearing we had on this bill, nor objected when the legislation was reported out of the Judiciary Committee, has insisted on substantive changes to the bipartisan and bicameral consensus bill before he will lift his objection. He opposes including a public awareness campaign so that the youth who might benefit from these programs know about the services their community provides. We removed it at the request of the Senator. He has also objected to allowing youth to stay in the Transitional Living Program a few extra months in order to make sure they are able to leave the program safely. I have worked with the House to clarify language that the extended length of stay would only be used by programs in exceptional circumstances. He has also required that the authorized level of funding for these programs that help our Nation's youth be slashed. I intend to work with Senators HARKIN and SPECTER and others on the Appropriations Committee to ensure that these programs are funded at the appropriate level that should have been authorized into law. We have made further concessions on other legislation to accommodate him. I have made still more concessions to the junior Senator from Arizona, who made additional extraneous demands at the eleventh hour.

The Runaway and Homeless Youth Act is the way in which the Federal Government helps communities across the country protect some of our most vulnerable children. It was first passed the year I was elected to the Senate. We have reauthorized it several times since then, and working with Senator SPECTER and Senators on both sides of the aisle, I am glad the Senate has done so again this year. The programs authorized during the past 30 years by the RHYA have consistently proven critical to protecting and giving hope to our Nation's runaway and homeless youth.

Under the Runaway and Homeless Youth Act, every State receives a basic center grant to provide housing and crisis services for runaway and homeless youth and their families. Community-based groups around the country can also apply for funding through the Transitional Living Program and the sexual abuse prevention/street outreach grant program. The transitional living program grants are used to provide longer term housing to homeless youth between the ages of 16 and 21, and to help them become self-sufficient. The outreach grants are used to target youth susceptible to engaging in high-risk behaviors while living on the street.

Despite the changes to the bill made in response to Republican objections, our bill makes improvements to the Runaway and Homeless Youth Act reauthorizations of past years. It doubles funding for states by instituting a minimum of $200,000, which will allow states to better meet the diverse needs of their communities. This bill also requires the Department of Health and Human Services to develop performance standards for grantees. Providing program guidelines would level the playing field for bidders, ensure consistency among providers, and increase the effectiveness of the services under the Runaway and Homeless Youth Act. In addition, our legislation develops an incidence study to better estimate the number of runaway and homeless youth and to identify trends. The incidence study would provide more accurate estimates of the runaway and homeless youth population and would help lawmakers make better policy decisions and allow communities to provide better outreach.

On April 29, the Senate Judiciary Committee held a hearing to focus the Senate's attention on these problems and to identify and develop solutions to protect runaway and homeless youth. It was the first Senate hearing on these matters in more than a decade. We heard from a distinguished panel of witnesses, some of whom spoke firsthand about the significant challenges that young people face when they have nowhere to go.

Our witnesses demonstrated that young people can overcome harrowing obstacles and create new opportunities when given the chance. One witness went from living as a homeless youth in his teens to earning two Oscar nominations as a distinguished actor. Another witness is working with homeless youth at the same Vermont organization that enabled him to stop living on the streets and is on his way to great things. Our witness panel gave useful and insightful suggestions on how to improve the Runaway and Homeless Youth Act to make it more effective. We have included many of these recommendations in our bill.

The prevalence of homelessness among young people in America is shockingly high. The problem is not limited to large cities. Its impact is felt strongly in smaller communities and rural areas as well. It affects our young people directly and reverberates throughout our families and communities. That this problem continues in the richest country in the world means that we need to redouble our commitment and our efforts to safeguard our Nation's youth. We need to support the dedicated people in communities across the country who work to address these problems every day.

In my home State of Vermont, the Vermont Coalition for Runaway and Homeless Youth, the New England Network for Child, Youth, and Family Services, and Spectrum Youth and Family Services in Burlington all receive grants under these programs and have provided excellent services that provide assistance to thousands of youth.

The overwhelming need for services is not limited to any one state or community. Many transitional living programs are forced to turn away young people seeking shelter. We heard testimony of an exemplary program within blocks of our Nation's Capitol that has a waiting list as long as a year. This is unacceptable. The needs in our communities are real, and reauthorizing the law will allow these programs to expand their enormously important work.

These topics are difficult but deserve our attention. I am glad the Senate has taken an important step toward addressing these issues by passing the Runaway and Homeless Youth Protection Act today.

Mr. DURBIN. Mr. President, I ask unanimous consent that the Leahy amendment at the desk be agreed to; the committee substitute amendment, as amended, be agreed to; the bill be read a third time and passed; the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5652) was agreed to.

(The amendment is printed in today's RECORD under ''Text of amendments.'')

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

The bill (S. 2982), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

EXTENDING WAIVER AUTHORITY FOR THE SECRETARY OF EDUCATION

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6890, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6890) to extend the waiver authority for the Secretary of Education under section 105 of subtitle A of Title IV of division B of Public Law 109–148, relating to elementary and secondary education hurricane recovery relief, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6890) was ordered to a third reading, was read the third time, and passed.

DEFENSE PRODUCTION ACT EXTENSION AND REAUTHORIZATION OF 2008

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6894, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6894) to extend and reauthorize the Defense Production Act of 1950, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DODD. Mr. President, today we are acting on House-passed legislation which contains a 1-year extension of the Defense Production Act, DPA, which I hope will be swiftly approved by the Senate. While I am delighted that this extension legislation was passed by the House Tuesday night, it is crucial to remember that many of this law's authorities, last renewed in 2003, expire on September 30. We have just a few legislative days to get this done. As the United Sates continues to fight two wars and respond to various natural disasters, it is important that we not allow key provisions to expire—provisions allowing our Government

agencies to ensure that American industry meets varying demands of national emergencies. Such measures involve mandates to keep industry producing critical resources for our military and first responders in times of crisis, and initiatives for maintaining crucial investments in strategic technologies.

During the Korean war, what was then the Senate Banking & Currency Committee—the precursor to today's Committee on Banking, Housing and Urban Affairs—authored the Defense Production Act to ensure the availability of key industrial resources for the Department of Defense, DOD. Over time, the Defense Production Act has been amended to include energy supply, emergency preparedness, and critical infrastructure protections, thereby allowing civilian agencies to respond rapidly to crises such as natural disasters and terrorist attacks.

In the last several months, the Committee on Banking, Housing, and Urban Affairs received two reports mandated by law from the Government Accountability Office and Department of Homeland Security. These reports highlighted major shortfalls in the administration's application of DPA authorities. Furthermore, I have been informed that in 2004, FEMA and other Federal agencies conducted their own internal review of DPA authorities and made several recommendations to the White House's Homeland Security Council. The White House chose not to act on those recommendations, and Congress has still not been fully briefed on these findings.

In a perfect world, we would fully analyze and incorporate appropriate findings of pertinent reviews. Unfortunately, due to time constraints of the current legislative session, including our work on measures to address the crisis in our financial system, it is clear that a complete assessment now of their conclusions would be impossible. But we should not simply reauthorize this act for another 5 years. The recommendations gathered in these valuable reports should be reviewed, considered for legislation in a workable bill, and enacted into law in the near future; not 5 years from now.

Simply put, granting a 1-year extension would provide our agencies with the authorities they need in the short term, but will also maintain the expectation that in 2009 the Banking Committee and the U.S. Senate will conduct a thoughtful review of these recommendations in hearings, mark-up, and floor consideration. I look forward to working with my colleagues in the Senate, as well as in a new administration, to see to it that the DPA is modernized to address the challenges of the 21st century. In the meantime, I thank my colleagues for working with me to approve this 2009 reauthorization.

Mr. DURBIN. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6894) was ordered to a third reading, was read the third time, and passed.

NEED-BASED EDUCATIONAL AID ACT OF 2008

Mr. DURBIN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 1777, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1777) to amend the Improving America's Schools Act of 1994 to make permanent the favorable treatment of need-based educational aid under the antitrust laws.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Mr. President, I ask unanimous consent that a Leahy-Hatch amendment, which is at the desk, be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5653) was agreed to, as follows:

(Purpose: To amend the Improving America's Schools Act of 1994 to extend the favorable treatment of need-based educational aid under the antitrust laws)

On page 2, strike lines 5 and 6 and insert the following: ''Section 568(d) of the Improving America's Schools Act of 1994 (15 U.S.C. 1 note) is amended by striking '2008' and inserting '2015'.''.

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

The bill (H.R. 1777), as amended, was read the third time, and passed.

WHITE MOUNTAIN APACHE TRIBE RURAL WATER SYSTEM LOAN AUTHORIZATION ACT

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 1080, S. 3128.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3128) to direct the Secretary of the Interior to provide a loan to the White Mountain Apache Tribe for use in planning, engineering, and designing a certain water system project.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''White Mountain Apache Tribe Rural Water System Loan Authorization Act''.

SEC. 2. DEFINITIONS.

(a) MINER FLAT PROJECT.—The term ''Miner Flat Project'' means the White Mountain Apache Rural Water System, comprised of the Miner Flat Dam and associated domestic water supply components, as described in the project extension report dated February 2007.

(b) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Commissioner of Reclamation (or any other designee of the Secretary).

(c) TRIBE.—The term ''Tribe'' means the White Mountain Apache Tribe, a federally recognized Indian tribe organized pursuant to section 16 of the Indian Reorganization Act of 1934 (25 U.S.C. 476 et seq.).

SEC. 3. MINER FLAT PROJECT LOAN.

(a) LOAN.—Subject to the availability of appropriations and the condition that the Tribe and the Secretary have executed a cooperative agreement under section 4(a), not later than 90 days after the date on which amounts are made available to carry out this section and the cooperative agreement has been executed, the Secretary shall provide to the Tribe a loan in an amount equal to $9,800,000, adjusted, as appropriate, based on ordinary fluctuations in engineering cost indices applicable to the Miner Flat Project during the period beginning on October 1, 2007, and ending on the date on which the loan is provided, as determined by the Secretary, to carry out planning, engineering, and design of the Miner Flat Project in accordance with section 4.

(b) TERMS AND CONDITIONS OF LOAN.—The loan provided under subsection (a) shall—

(1) be at a rate of interest of 0 percent; and

(2) be repaid over a term of 25 years, beginning on January 1, 2013.

(c) ADMINISTRATION.—Subject to section 4, the Secretary shall administer the planning, engineering, and design of the Miner Flat Project.

SEC. 4. PLANNING, ENGINEERING, AND DESIGN.

(a) COOPERATIVE AGREEMENT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall offer to enter into a cooperative agreement with the Tribe for the planning, engineering, and design of the Miner Flat Project in accordance with this Act.

(2) MANDATORY PROVISIONS.—A cooperative agreement under paragraph (1) shall—

(A) specify, in a manner that is acceptable to the Secretary and the Tribe, the rights, responsibilities, and liabilities of each party to the agreement; and

(B) require that the planning, engineering, design, and construction of the Miner Flat Project be in accordance with all applicable Federal environmental laws.

(b) APPLICABILITY OF INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.—Each activity for the planning, engineering, or design of the Miner Flat Project shall be subject to the requirements of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Mr. DURBIN. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

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

The bill (S. 3128), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

PROVIDING FUNDS FOR COMMUNITY FOOD PROJECTS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3597 introduced earlier today by Senator HARKIN.

The PRESIDING OFFICER. The clerk will report the title of the bill.

The assistant legislative clerk read as follows:

A bill (S. 3597) to provide that funds allocated for community food projects for fiscal year 2008 shall remain available until September 30, 2009.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3597) was ordered to be engrossed for a third reading, was ordered to a third reading, was read the third time, and passed.

S. 3597

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COMMUNITY FOOD PROJECTS.

(a) TECHNICAL CORRECTION.—Section 4406(a)(7) of the Food, Conservation, and Energy Act of 2008 (Public Law 110-234; 122 Stat. 1902) is amended by striking ''Food and Nutrition Act of 2008'' and inserting ''Food Stamp Act of 1977''.

(b) ALLOCATION OF FUNDS.—Funds allocated under section 25(b) of the Food Stamp Act of 1977 (7 U.S.C. 2034(b)) for fiscal year 2008 shall remain available until September 30, 2009, to fund proposals solicited in fiscal year 2008.

DRUG TRAFFICKING VESSEL INTERDICTION ACT OF 2008

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3598 introduced earlier today by Senator INOUYE.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3598) to amend titles 46 and 18, United States Code, with respect to the operation of submersible vessels and semi-submersible vessels without nationality.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Mr. President, I ask unanimous consent that the bill be read three times and passed; the motion to reconsider be laid upon the table with no intervening action or debate; and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3598) was ordered to be engrossed for a third reading, was ordered to a third reading, was read the third time, and passed.

S. 3598

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 ''Drug Trafficking Vessel Interdiction Act of 2008''.

TITLE I—CRIMINAL PROHIBITION

SEC. 101. FINDINGS AND DECLARATIONS.

Congress finds and declares that operating or embarking in a submersible vessel or semi-submersible vessel without nationality and on an international voyage is a serious international problem, facilitates transnational crime, including drug trafficking, and terrorism, and presents a specific threat to the safety of maritime navigation and the security of the United States.

SEC. 102. OPERATION OF SUBMERSIBLE VESSEL OR SEMI-SUBMERSIBLE VESSEL WITHOUT NATIONALITY.

(a) IN GENERAL.—Chapter 111 of title 18, United States Code, is amended by adding at the end the following new section:

''§ 2285. OPERATION OF SUBMERSIBLE VESSEL OR SEMI-SUBMERSIBLE VESSEL WITHOUT NATIONALITY.

''(a) OFFENSE.—Whoever knowingly operates, or attempts or conspires to operate, by any means, or embarks in any submersible vessel or semi-submersible vessel that is without nationality and that is navigating or has navigated into, through, or from waters beyond the outer limit of the territorial sea of a single country or a lateral limit of that country's territorial sea with an adjacent country, with the intent to evade detection, shall be fined under this title, imprisoned not more than 15 years, or both.

''(b) EVIDENCE OF INTENT TO EVADE DETECTION.—For purposes of subsection (a), the presence of any of the indicia described in paragraph (1)(A), (E), (F), or (G), or in paragraph (4), (5), or (6), of section 70507(b) of title 46 may be considered, in the totality of the circumstances, to be prima facie evidence of intent to evade detection.

''(c) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over an offense under this section, including an attempt or conspiracy to commit such an offense.

''(d) CLAIM OF NATIONALITY OR REGISTRY.—A claim of nationality or registry under this section includes only—

''(1) possession on board the vessel and production of documents evidencing the vessel's nationality as provided in article 5 of the 1958 Convention on the High Seas;

''(2) flying its nation's ensign or flag; or

''(3) a verbal claim of nationality or registry by the master or individual in charge of the vessel.

''(e) AFFIRMATIVE DEFENSES.—

''(1) IN GENERAL.—It is an affirmative defense to a prosecution for a violation of subsection (a), which the defendant has the burden to prove by a preponderance of the evidence, that the submersible vessel or semi-submersible vessel involved was, at the time of the offense—

''(A) a vessel of the United States or lawfully registered in a foreign nation as claimed by the master or individual in charge of the vessel when requested to make a claim by an officer of the United States authorized to enforce applicable provisions of United States law;

''(B) classed by and designed in accordance with the rules of a classification society;

''(C) lawfully operated in government-regulated or licensed activity, including commerce, research, or exploration; or

''(D) equipped with and using an operable automatic identification system, vessel monitoring system, or long range identification and tracking system.

''(2) PRODUCTION OF DOCUMENTS.—The affirmative defenses provided by this subsection are proved conclusively by the production of—

''(A) government documents evidencing the vessel's nationality at the time of the offense, as provided in article 5 of the 1958 Convention on the High Seas;

''(B) a certificate of classification issued by the vessel's classification society upon completion of relevant classification surveys and valid at the time of the offense; or

''(C) government documents evidencing licensure, regulation, or registration for commerce, research, or exploration.

''(f) FEDERAL ACTIVITIES EXCEPTED.—Nothing in this section applies to lawfully authorized activities carried out by or at the direction of the United States Government.

''(g) APPLICABILITY OF OTHER PROVISIONS.—Sections 70504 and 70505 of title 46 apply to offenses under this section in the same manner as they apply to offenses under section 70503 of such title.

''(h) DEFINITIONS.—In this section, the terms 'submersible vessel', 'semi-submersible vessel', 'vessel of the United States', and 'vessel without nationality' have the meaning given those terms in section 70502 of title 46.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 111 of title 18, United States Code, is amended by inserting after the item relating to section 2284 the following:

''2285. Operation of submersible vessel or semi-submersible vessel without nationality''.

SEC. 103. SENTENCING GUIDELINES.

(a) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall promulgate sentencing guidelines (including policy statements) or amend existing sentencing guidelines (including policy statements) to provide adequate penalties for persons convicted of knowingly operating by any means or embarking in any submersible vessel or semi-submersible vessel in violation of section 2285 of title 18, United States Code.

(b) REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall—

(1) ensure that the sentencing guidelines and policy statements reflect the serious nature of the offense described in section 2285 of title 18, United States Code, and the need for deterrence to prevent such offenses;

(2) account for any aggravating or mitigating circumstances that might justify exceptions, including—

(A) the use of a submersible vessel or semi-submersible vessel described in section 2285 of title 18, United States Code, to facilitate other felonies;

(B) the repeated use of a submersible vessel or semi-submersible vessel described in section 2285 of title 18, United States Code, to facilitate other felonies, including whether such use is part of an ongoing criminal organization or enterprise;

(C) whether the use of such a vessel involves a pattern of continued and flagrant violations of section 2285 of title 18, United States Code;

(D) whether the persons operating or embarking in a submersible vessel or semi-submersible vessel willfully caused, attempted to cause, or permitted the destruction or damage of such vessel or failed to heave to when directed by law enforcement officers; and

(E) circumstances for which the sentencing guidelines (and policy statements) provide sentencing enhancements;

(3) ensure reasonable consistency with other relevant directives, other sentencing guidelines and policy statements, and statutory provisions;

(4) make any necessary and conforming changes to the sentencing guidelines and policy statements; and

(5) ensure that the sentencing guidelines and policy statements adequately meet the purposes of sentencing set forth in section 3553(a)(2) of title 18, United States Code.

TITLE II—CIVIL PROHIBITION

SEC. 201. OPERATION OF SUBMERSIBLE VESSEL OR SEMI-SUBMERSIBLE VESSEL WITHOUT NATIONALITY.

(a) FINDING AND DECLARATION.—Section 70501 of title 46, United States Code, is amended—

(1) by inserting ''(1)'' after ''that''; and

(2) by striking ''States.'' and inserting ''States and (2) operating or embarking in a submersible vessel or semi-submersible vessel without nationality and on an international voyage is a serious international problem, facilitates transnational crime, including drug trafficking, and terrorism, and presents a specific threat to the safety of maritime navigation and the security of the United States.''.

SEC. 202. OPERATION PROHIBITED.

(a) IN GENERAL.—Chapter 705 of title 46, United States Code, is amended by adding at the end thereof the following:

''§ 70508. Operation of submersible vessel or semi-submersible vessel without nationality

''(a) IN GENERAL.—An individual may not operate by any means or embark in any submersible vessel or semi-submersible vessel that is without nationality and that is navigating or has navigated into, through, or from waters beyond the outer limit of the territorial sea of a single country or a lateral limit of that country's territorial sea with an adjacent country, with the intent to evade detection.

''(b) EVIDENCE OF INTENT TO EVADE DETECTION.—In any civil enforcement proceeding for a violation of subsection (a), the presence of any of the indicia described in paragraph (1)(A), (E), (F), or (G), or in paragraph (4), (5), or (6), of section 70507(b) may be considered, in the totality of the circumstances, to be prima facie evidence of intent to evade detection.

''(c) DEFENSES.—

''(1) IN GENERAL.—It is a defense in any civil enforcement proceeding for a violation of subsection (a) that the submersible vessel or semi-submersible vessel involved was, at the time of the violation—

''(A) a vessel of the United States or lawfully registered in a foreign nation as claimed by the master or individual in charge of the vessel when requested to make a claim by an officer of the United States authorized to enforce applicable provisions of United States law;

''(B) classed by and designed in accordance with the rules of a classification society;

''(C) lawfully operated in government-regulated or licensed activity, including commerce, research, or exploration; or

''(D) equipped with and using an operable automatic identification system, vessel monitoring system, or long range identification and tracking system.

''(2) PRODUCTION OF DOCUMENTS.—The defenses provided by this subsection are proved conclusively by the production of—

''(A) government documents evidencing the vessel's nationality at the time of the offense, as provided in article 5 of the 1958 Convention on the High Seas;

''(B) a certificate of classification issued by the vessel's classification society upon completion of relevant classification surveys and valid at the time of the offense; or

''(C) government documents evidencing licensure, regulation, or registration for research or exploration.

''(d) CIVIL PENALTY.—A person violating this section shall be liable to the United States for a civil penalty of not more than $1,000,000.''

(b) CONFORMING AMENDMENTS.—

(1) The chapter analysis for chapter 705 of title 46, United States Code, is amended by inserting after the item relating to section 70507 the following:

''70508. Operation of submersible vessel or semi-submersible vessel without nationality''.

(2) Section 70504(b) of title 46, United States Code, is amended by inserting ''or 70508'' after ''70503''.

(3) Section 70505 of title 46, United States Code, is amended by striking ''this title'' and inserting ''this title, or against whom a civil enforcement proceeding is brought under section 70508,''.

SEC. 203. SUBMERSIBLE VESSEL AND SEMI-SUBMERSIBLE VESSEL DEFINED.

Section 70502 of title 46, United States Code, is amended by adding at the end thereof the following:

''(f) SEMI-SUBMERSIBLE VESSEL; SUBMERSIBLE VESSEL.—In this chapter:

''(1) SEMI-SUBMERSIBLE VESSEL.—The term 'semi-submersible vessel' means any watercraft constructed or adapted to be capable of operating with most of its hull and bulk under the surface of the water, including both manned and unmanned watercraft.

''(2) SUBMERSIBLE VESSEL.—The term 'submersible vessel' means a vessel that is capable of operating completely below the surface of the water, including both manned and unmanned watercraft.''.

EXECUTIVE SESSION

NOMINATIONS DISCHARGED AND PLACED ON THE CALENDAR

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to executive session and that the Agriculture Committee be discharged of PN1824, the nomination of Mark Everett Keenum, and that the nomination be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent the Rules Committee be discharged from the following: PN655, the nomination of Garcia M. Hillman; PN1661, the nomination of Donetta Davidson; PN1662, the nomination of Rosemary E. Rodriguez; and PN1963, the nomination of Gineen Bresso Beach, and the nominations be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

LAND-BASED SOURCES PROTOCOL TO THE CARTAGENA CONVENTION

THE HAGUE CONVENTION

AMENDMENT TO THE CONVENTION ON PHYSICAL PROTECTION OF NUCLEAR MATERIAL

INTERNATIONAL CONVENTION FOR SUSPENSION OF ACTS OF NUCLEAR TERRORISM

PROTOCOLS OF 2005 TO THE CONVENTION CONCERNING THE SAFETY OF MARITIME NAVIGATION AND TO THE PROTOCOL CONCERNING THE SAFETY OF FIXED PLATFORMS ON THE CONTINENTIAL SHELF

PROTOCOL TO THE NORTH ATLANTIC TREATY OF 1949 ON THE ACCESSION OF THE REPUBLIC OF ALBANIA

1998 AMENDMENTS TO THE CONSTITUTION AND THE CONVENTION OF THE INTERNATIONAL TELECOMMUNICATION UNION

2002 AMENDMENTS TO THE CONSTITUTION AND THE CONVENTION OF THE INTERNATIONAL TELECOMMUNICATION UNION

2006 AMENDMENTS TO THE CONSTITUTION AND THE CONVENTION OF THE INTERNATIONAL TELECOMMUNICATION UNION

Mr. DURBIN. I ask unanimous consent the Senate consider the following treaties on the Executive Calendar, Calendar Nos. 25, 31, 34, 35, 36, 37, 38, 39, and 40, and that the treaties be considered as having advanced through the various parliamentary stages up to and including the presentation of the resolutions of ratification; that any committee understandings, declarations, or conditions be agreed to as applicable; that any statements be printed in the RECORD as if read; and that the Senate take one vote on the resolutions of ratification to be considered as separate votes; further, that when the resolutions of ratification are voted on, the motions to reconsider be considered made and laid on the table, the President be immediately notified of the Senate's action, and the Senate resume legislative session, all without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The treaties and protocol will be considered to have passed through their various parliamentary stages, up to and including the presentation of the resolutions of ratification.

Mr. DURBIN. I ask for the division vote on the resolutions of ratification.

The PRESIDING OFFICER. A division vote has been requested.

Senators in favor of the resolutions of ratification of these treaties will rise and stand until counted.

Those opposed will rise and stand until counted.

On a division, two-thirds of the Senators present having voted in the affirmative, the resolutions of ratification are agreed to.

The resolutions of ratification agreed to are as follows:

TREATY DOC. 110–1: LAND-BASED SOURCES PROTOCOL TO THE CARTAGENA CONVENTION

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to declarations.

The Senate advises and consents to the ratification of the Protocol Concerning Pollution from Land-Based Sources and Activities to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region, with Annexes, done at Oranjestad, Aruba, on October 6, 1999 (Treaty Doc. 110–1), subject to the declaration of section 2 and the declaration of section 3.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration, which shall be included in the instrument of ratification:

In accordance with Article XVIII, the United States of America declares that, with respect to the United States of America, any new annexes to the Protocol shall enter into force only upon the deposit of its instrument of ratification, acceptance, approval or accession with respect thereto.

Section 3. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Protocol is not self-executing.

TREATY DOC. 106–1A: THE HAGUE CONVENTION

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to Understandings and a Declaration.

The Senate advises and consents to the ratification of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, concluded on May 14, 1954 (Treaty Doc. 106–1(A)), subject to the understandings of section 2 and the declaration of section 3.

Section 2. Understandings.

The advice and consent of the Senate under section 1 is subject to the following understandings, which shall be included in the instrument of ratification:

(1) It is the understanding of the United States of America that ''special protection,'' as defined in Chapter II of the Convention, codifies customary international law in that it, first, prohibits the use of any cultural property to shield any legitimate military targets from attack and, second, allows all property to be attacked using any lawful and proportionate means, if required by military necessity and notwithstanding possible collateral damage to such property.

(2) It is the understanding of the United States of America that any decision by any military commander, military personnel, or any other person responsible for planning, authorizing, or executing military action or other activities covered by this Convention shall only be judged on the basis of that person's assessment of the information reasonably available to the person at the time the person planned, authorized, or executed the action under review, and shall not be judged on the basis of information that comes to light after the action under review was taken.

(3) It is the understanding of the United States of America that the rules established by the Convention apply only to conventional weapons, and are without prejudice to the rules of international law governing other types of weapons, including nuclear weapons.

(4) It is the understanding of the United States of America that, as is true for all civilian objects, the primary responsibility for the protection of cultural objects rests with the Party controlling that property, to ensure that it is properly identified and that it is not used for an unlawful purpose.

Section 3. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

With the exception of the provisions that obligate the United States to impose sanctions on persons who commit or order to be committed a breach of the Convention, this Convention is self-executing. This Convention does not confer private rights enforceable in United States courts.

TREATY DOC. 110–6: AMENDMENT TO THE CONVENTION ON PHYSICAL PROTECTION OF NUCLEAR MATERIAL

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a reservation, understandings, and a declaration.

The Senate advises and consents to the ratification of the Amendment to the Convention on the Physical Protection of Nuclear Material, adopted on July 8, 2005 (the ''Amendment'') (Treaty Doc. 110–6), subject to the reservation of section 2, the understandings of section 3, and the declaration of section 4.

Section 2. Reservation.

The advice and consent of the Senate under section 1 is subject to the following reservation, which shall be included in the instrument of ratification:

Consistent with Article 17(3) of the Convention on the Physical Protection of Nuclear Material, the United States of America declares that it does not consider itself bound by Article 17(2) of the Convention on the Physical Protection of Nuclear Material with respect to disputes concerning the interpretation or application of the Amendment.

Section 3. Understandings.

The advice and consent of the Senate under section 1 is subject to the following understandings, which shall be included in the instrument of ratification:

(1) The United States of America understands that the term ''armed conflict'' in Paragraph 5 of the Amendment (Article 2 of the Convention on the Physical Protection of Nuclear Material, as amended) does not include internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature.

(2) The United States of America understands that the term ''international humanitarian law'' in Paragraph 5 of the Amendment (Article 2 of the Convention on the Physical Protection of Nuclear Material, as amended) has the same substantive meaning as the law of war.

(3) The United States of America understands that, pursuant to Paragraph 5 of the Amendment (Article 2 of the Convention on the Physical Protection of Nuclear Material, as amended), the Convention on the Physical Protection of Nuclear Material, as amended, will not apply to: (a) the military forces of a State, which are the armed forces of a State organized, trained, and equipped under its internal law for the primary purpose of national defense or security, in the exercise of their official duties; (b) civilians who direct or organize the official activities of military forces of a State; or (c) civilians acting in support of the official activities of the military forces of a State, if the civilians are under the formal command, control, and responsibility of those forces.

Section 4. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

With the exception of the provisions that obligate the United States to criminalize certain offenses, make those offenses punishable by appropriate penalties, and authorize the assertion of jurisdiction over such offenses, this Amendment is self-executing. Included among the self-executing provisions are those provisions obligating the United States to treat certain offenses as extraditable offenses for purposes of bilateral extradition treaties. This Amendment does not confer private rights enforceable in United States courts.

TREATY DOC. 110–4: INTERNATIONAL CONVENTION FOR SUPPRESSION OF ACTS OF NUCLEAR TERRORISM

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a reservation, understandings, and a declaration.

The Senate advises and consents to the ratification of the International Convention for the Suppression of Acts of Nuclear Terrorism, adopted on April 13, 2005, and signed on behalf of the United States of America on September 14, 2005 (the ''Convention'') (Treaty Doc. 110–4), subject to the reservation of section 2, the understandings of section 3, and the declaration of section 4.

Section 2. Reservation.

The advice and consent of the Senate under section 1 is subject to the following reservation, which shall be included in the instrument of ratification:

Pursuant to Article 23(2) of the Convention, the United States of America declares that it does not consider itself bound by Article 23(1) of the Convention.

Section 3. Understandings.

The advice and consent of the Senate under section 1 is subject to the following understandings, which shall be included in the instrument of ratification:

(1) The United States of America understands that the term ''armed conflict'' in Article 4 of the Convention does not include situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature.

(2) The United States of America understands that the term ''international humanitarian law'' in Article 4 of the Convention has the same substantive meaning as the law of war.

(3) The United States of America understands that, pursuant to Article 4 and Article 1(6), the Convention does not apply to: (a) the military forces of a State, which are the armed forces of a State organized, trained, and equipped under its internal law for the primary purpose of national defense or security, in the exercise of their official duties; (b) civilians who direct or organize the official activities of military forces of a State; or (c) civilians acting in support of the official activities of the military forces of a State, if the civilians are under the formal command, control, and responsibility of those forces.

(4) The United States of America understands that current United States law with

respect to the rights of persons in custody and persons charged with crimes fulfills the requirement in Article 12 of the Convention and, accordingly, the United States does not intend to enact new legislation to fulfill its obligations under this Article.

Section 4. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

With the exception of the provisions that obligate the United States to criminalize certain offenses, make those offenses punishable by appropriate penalties, and authorize the assertion of jurisdiction over such offenses, this Convention is self-executing. Included among the self-executing provisions are those provisions obligating the United States to treat certain offenses as extraditable offenses for purposes of bilateral extradition treaties. None of the provisions in the Convention, including Articles 10 and 12, confer private rights enforceable in United States courts.

TREATY DOC. 110–8: PROTOCOLS OF 2005 TO THE CONVENTION CONCERNING THE SAFETY OF MARITIME NAVIGATION AND TO THE PROTOCOL CONCERNING THE SAFETY OF FIXED PLATFORMS ON THE CONTINENTAL SHELF

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a reservation, understandings, and a declaration.

The Senate advises and consents to the ratification of the Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, adopted on October 14, 2005, and signed on behalf of the United States of America on February 17, 2006 (the ''2005 Fixed Platforms Protocol'') (Treaty Doc. 110–8), subject to the reservation of section 2, the understandings of section 3, and the declaration of section 4.

Section 2. Reservation.

The advice and consent of the Senate under section 1 is subject to the following reservation, which shall be included in the instrument of ratification:

Consistent with Article 16(2) of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 2005, and incorporated by Article 2 of the 2005 Fixed Platforms Protocol, the United States of America declares that it does not consider itself bound by Article 16(1) of the Convention and incorporated by Article 2 of the 2005 Fixed Platforms Protocol, with respect to disputes concerning the interpretation or application of the Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf.

Section 3. Understandings.

The advice and consent of the Senate under section 1 is subject to the following understandings, which shall be included in the instrument of ratification:

(1) The United States of America understands that the term ''armed conflict'' as used in paragraph 2 of Article 2bis of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 2005, and incorporated by Article 2 of the 2005 Fixed Platforms Protocol, does not include internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature.

(2) The United States of America understands that the term ''international humanitarian law,'' as used in paragraphs 1 and 2 of Article 2bis of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 2005, and incorporated by Article 2 of the 2005 Fixed Platforms Protocol, has the same substantive meaning as the ''law of war.''

(3) The United States of America understands that, pursuant to paragraph 2 of Article 2bis of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 2005, and incorporated by Article 2 of the 2005 Fixed Platforms Protocol, the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, 2005, does not apply to: (a) the military forces of a State, which are the armed forces of a State organized, trained, and equipped under its internal law for the primary purpose of national defense or security, in the exercise of their official duties; (b) civilians who direct or organize the official activities of military forces of a State; or (c) civilians acting in support of the official activities of the military forces of a State, if the civilians are under the formal command, control, and responsibility of those forces.

(4) The United States of America understands that current United States law with respect to the rights of persons in custody and persons charged with crimes fulfills the requirement in paragraph 2 of Article 10 of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 2005, and incorporated by Article 2 of the 2005 Fixed Platforms Protocol, and, accordingly, the United States does not intend to enact new legislation to fulfill its obligations under this Article.

Section 4. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

With the exception of the provisions that obligate the United States to criminalize certain offenses, make those offenses punishable by appropriate penalties, and authorize the assertion of jurisdiction over such offenses, the 2005 Fixed Platforms Protocol is self-executing. Included among the self-executing provisions are those provisions obligating the United States to treat certain offenses as extraditable offenses for purposes of bilateral extradition treaties. None of the provisions of the 2005 Fixed Platforms Protocol, including those incorporating by reference Articles 7 and 10 of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 2005, confer private rights enforceable in United States courts.

TREATY DOC. 110–20: PROTOCOL TO THE NORTH ATLANTIC TREATY OF 1949 ON THE ACCESSION OF THE REPUBLIC OF ALBANIA

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration and a condition.

The Senate advises and consents to the ratification of the Protocol to the North Atlantic Treaty of 1949 on the Accession of the Republic of Albania, adopted at Brussels on July 9, 2008, and signed that day on behalf of the United States of America (the ''Protocol'') (Treaty Doc. 110–20), subject to the declaration of section 2 and the condition of section 3.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

(a) Article 10 of the North Atlantic Treaty provides that Parties may, by unanimous agreement, invite any other European State in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area to accede to the North Atlantic Treaty, and thus become a member of the North Atlantic Treaty Organization (''NATO'').

(b) The Bucharest Summit Declaration, issued by the Heads of States and Governments participating in the meeting of the North Atlantic Council in Bucharest on April 3, 2008, states that NATO welcomes Ukraine's and Georgia's Euro-Atlantic aspirations for membership in NATO. The Bucharest Summit Declaration additionally states that it was ''agreed today that these countries will become members of NATO.''

(c) The Senate declares that it is important that NATO keep its door open to all European democracies willing and able to assume the responsibilities and obligations of membership.

Section 3. Condition.

The advice and consent of the Senate under section 1 is subject to the following condition:

Presidential Certification

Prior to the deposit of the instrument of ratification, the President shall certify to the Senate as follows:

1. The inclusion of the Republic of Albania in NATO will not have the effect of increasing the overall percentage share of the United States in the common budgets of NATO; and

2. The inclusion of the Republic of Albania in NATO does not detract from the ability of the United States to meet or to fund its military requirements outside the North Atlantic area.

TREATY DOC. 110–20: PROTOCOL TO THE NORTH ATLANTIC TREATY OF 1949 ON THE ACCESSION OF THE REPUBLIC OF CROATIA

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration and a condition.

The Senate advises and consents to the ratification of the Protocol to the North Atlantic Treaty of 1949 on the Accession of the Republic of Croatia, adopted at Brussels on July 9, 2008, and signed that day on behalf of the United States of America (the ''Protocol'') (Treaty Doc. 110–20), subject to the declaration of section 2 and the condition of section 3.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

(a) Article 10 of the North Atlantic Treaty provides that Parties may, by unanimous agreement, invite any other European State in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area to accede to the North Atlantic Treaty, and thus become a member of the North Atlantic Treaty Organization (''NATO'').

(b) The Bucharest Summit Declaration, issued by the Heads of States and Governments participating in the meeting of the North Atlantic Council in Bucharest on April 3, 2008, states that NATO welcomes Ukraine's and Georgia's Euro-Atlantic aspirations for membership in NATO. The Bucharest Summit Declaration additionally states that it was ''agreed today that these countries will become members of NATO.''

(c) The Senate declares that it is important that NATO keep its door open to all European democracies willing and able to assume the responsibilities and obligations of membership.

Section 3. Condition.

The advice and consent of the Senate under section 1 is subject to the following condition:

Presidential Certification

Prior to the deposit of the instrument of ratification, the President shall certify to the Senate as follows:

1. The inclusion of the Republic of Croatia in NATO will not have the effect of increasing the overall percentage share of the United States in the common budgets of NATO; and

2. The inclusion of the Republic of Croatia in NATO does not detract from the ability of the United States to meet or to fund its military requirements outside the North Atlantic area.

TREATY DOC. 108–5: 1998 AMENDMENTS TO THE CONSTITUTION AND THE CONVENTION OF THE INTERNATIONAL TELECOMMUNICATION UNION

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to reservations and declarations.

The Senate advises and consents to the ratification of the amendments to the Constitution and Convention of the International Telecommunication Union (Geneva 1992), as amended by the Plenipotentiary Conference (Kyoto 1994), signed by the United States at Minneapolis on November 6, 1998, as contained in the Final Acts of the Plenipotentiary Conference (Minneapolis 1998) (the ''1998 Final Acts'') (Treaty Doc. 108–5), subject to declarations and reservations Nos. 90 (second paragraph), 90 (third paragraph), 101, 102, and 111 of the 1998 Final Acts and the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is not self-executing.

TREATY DOC. 109–11: 2002 AMENDMENTS TO THE CONSTITUTION AND THE CONVENTION OF THE INTERNATIONAL TELECOMMUNICATION UNION

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to reservations and declarations.

The Senate advises and consents to the ratification of the amendments to the Constitution and Convention of the International Telecommunication Union (Geneva 1992), as amended by the Plenipotentiary Conference (Kyoto 1994) and the Plenipotentiary Conference (Minneapolis 1998), signed by the United States at Marrakesh on October 18, 2002, as contained in the Final Acts of the Plenipotentiary Conference (Marrakesh 2002) (the ''2002 Final Acts'') (Treaty Doc. 109–11), subject to declarations and reservations Nos. 70 (second paragraph), 70 (third paragraph), 71, 79, 80, and 101 of the 2002 Final Acts and the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is not self-executing.

TREATY DOC. 110–16: 2006 AMENDMENTS TO THE CONSTITUTION AND THE CONVENTION OF THE INTERNATIONAL TELECOMMUNICATION UNION

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to reservations and declarations.

The Senate advises and consents to the ratification of the amendments to the Constitution and Convention of the International Telecommunication Union (Geneva 1992), as amended by the Plenipotentiary Conference (Kyoto 1994), the Plenipotentiary Conference (Minneapolis 1998), and the Plenipotentiary Conference (Marrakesh 2002), signed by the United States at Antalya on November 24, 2006, as contained in the Final Acts of the Plenipotentiary Conference (Antalya 2006) (the ''2006 Final Acts'') (Treaty Doc. 110–16), subject to declarations and reservations Nos. 70(1)(second paragraph), 70(1)(third paragraph), 70(2), 104, and 106 of the 2006 Final Acts and the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is not self-executing.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Minority Leader, pursuant to Public Law 110–183, announces the appointment of the following individual as a member of the Commission on the Abolition of the Transatlantic Slave Trade: Mark Rodgers, of Virginia.

UNANIMOUS CONSENT AGREEMENT—H.R. 2638

Mr. DURBIN. Mr. President, I ask unanimous consent that with respect to the House message on H.R. 2638, that if cloture is filed on the motion to concur in the House amendment with a technical amendment on Friday, it be as if the cloture motion was filed on Thursday, September 25, with the mandatory quorum waived; and that the cloture vote occur on Saturday, at a time to be determined.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR FRIDAY, SEPTEMBER 26, 2008

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. tomorrow, Friday, September 26; that following the prayer and the pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DURBIN. We have been working on an agreement to have a vote in relation to the stimulus tomorrow morning. Senators will be notified of the timing of the vote once an agreement is reached. We would like to vote in the neighborhood of around 11:30 a.m. tomorrow.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. DURBIN. If there is no further business to come before the Senate, I ask unanimous consent that it stand in recess under the previous order.

There being no objection, the Senate, at 9:22 p.m., recessed until Friday, September 26, 2008, at 9:30 a.m.

DISCHARGED NOMINATIONS

The Senate Committee on Rules and Administration was discharged from further consideration of the following nominations and the nominations were placed on the Executive Calendar:

GRACIA M. HILLMAN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE ELECTION ASSISTANCE COMMISSION FOR A TERM EXPIRING DECEMBER 12, 2009.

DONETTA DAVIDSON, OF COLORADO, TO BE A MEMBER OF THE ELECTION ASSISTANCE COMMISSION FOR A TERM EXPIRING DECEMBER 12, 2011.

ROSEMARY E. RODRIGUEZ, OF COLORADO, TO BE A MEMBER OF THE ELECTION ASSISTANCE COMMISSION FOR A TERM EXPIRING DECEMBER 12, 2011.

GINEEN BRESSO BEACH, OF NEW YORK, TO BE A MEMBER OF THE ELECTION ASSISTANCE COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 12, 2009.

The Senate Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration of the following nomination and the nomination was placed on the Executive Calendar:

*MARK EVERETT KEENUM, OF MISSISSIPPI, TO BE A MEMBER OF THE FARM CREDIT ADMINISTRATION BOARD, FARM CREDIT ADMINISTRATION FOR A TERM EXPIRING MAY 21, 2014.

*Nominee has committed to respond to requests to appear and testify before any duly constituted committee of the Senate.

EXTENSIONS OF REMARKS

EARMARK DECLARATION

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. CARTER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of the House Amendment to the Senate Amendment to H.R. 2638, the Department of Homeland Security Appropriations Act, 2008

Requesting Member: Congressman JOHN CARTER.

Bill Number: H.R. 2638.

Account: Research, Development, Test and Evaluation, Navy.

Legal Name of Requesting Entity: Texas State University-San Marcos.

Address of Requesting Entity: 601 University Drive, San Marcos, TX USA.

Description of Request: I requested $1.52 million in the FY2009 Defense Appropriations Bill for the Center for Geospatial Intelligence and Investigation. The project provides a semi-automated means to predict insurgents' behavior and actions. Further, it provides an increased level of analysis through a mathematical calculation that predicts insurgent activity areas and bases of operation. The Department of Criminal Justice at Texas State University has established an upper division Criminal Justice program at the Round Rock Higher Education Center (RRHEC). The Criminal Justice Program is preparing for the establishment of a new PhD program that will incorporate information obtained from this project to strengthen the overall program including the RRHEC campus. Specifically, this funding will provide $603,520 for personnel costs, $414,300 for Equipment, $60,000 for travel, $40,000 for consultants, $6715 for other direct costs, and $395,465 for the facilities and administration costs at the rate approved by the Department of Health and Human Services.

Requesting Member: Congressman JOHN CARTER.

Bill Number: H.R. 2638.

Account: Research, Development, Test and Evaluation, Navy.

Legal Name of Requesting Entity: Alcoa, Inc.

Address of Requesting Entity: 100 Technical Center, Alcoa Center, PA 15069.

Description of Request: I requested $2 million for the Ship Affordability Through Advanced Aluminum Structures project in the FY2009 Defense Appropriations Bill. Requested funding will be used to address the cost of fabrication, assembly and joining of aluminum marine structures through performance of trade studies and the implementation of advanced aluminum designs that will offer enhanced performance at lower cost. Funding will lay the groundwork and create the research and development foundation that will ultimately generate work at Alcoa's Rockdale facility. They FY09 and future year funding will enable level-of-effort activities to address the cost of fabrication, assembly, and joining of aluminum marine structures. An approximate budget breakdown includes: $250,000 for allow development; one-third of the total appropriation will be utilized for aluminum technology development; and the balance will be utilized for design optimization.

Requesting Member: Congressman JOHN CARTER.

Bill Number: H.R. 2638.

Account: Operation and Maintenance, Army.

Legal Name of Requesting Entity: Texas AgriLife Research.

Address of Requesting Entity: 1500 Research Parkway, Suite 255, 2259 TAMU, College Station, TX 77843-2259.

Description of Request: I requested $2.8 million for the Fort Hood Training Lands Restoration and Maintenance project in the FY2009 Defense Appropriations Bill. Requested funds will provide dedicated resources to rehabilitate selected Fort Hood lands degraded by over 60 years of training with military vehicles. Substantial rehabilitation can be achieved over five years with an integrated program that reduces soil erosion and compaction, increases desirable vegetation and woody vegetation management, fills gullies, constructs sediment traps, and provides appropriate tank trails, stream-crossings and hilltop access points for tactical vehicles. An approximate spending plan includes: $800,000 for the installation of gully plugs; $250,000 for a woody species control program (juniper/mesquite control on the West Range); $250,000 for vegetation management (implement revegetation programs across the West Range); $1 million for tank trail repairs, which includes improving hill top access points, hardening stream crossings and improving tank trails that are currently unserviceable for training maneuvers and $500,000 for practice assessment and verification (Texas AgriLife Research).

Requesting Member: Congressman JOHN CARTER.

Bill Number: H.R. 2638.

Account: Research, Development, Test and Evaluation, Navy.

Legal Name of Requesting Entity: TECO Westinghouse Motor Company.

Address of Requesting Entity: 5100 North IH-35, Round Rock, TX 78681.

Description of Request: I requested $2 million for the purpose of conducting research to accommodate the introduction of the High Temperature Superconductor (HTS) Trap Field Magnet (TFM) Motors in Navy applications. HTS TFM motors will produce twice the power, have four times higher output torque, and the material cost will be one third that of the permanent magnet material cost. HTS TFM will help future Navy ships meet power generation requirements for the increasing array of electronic sensors, higher powered radar, and weapon systems, which is estimated to be six times greater than the needs of existing DDG-51 class destroyers. An approximate spending plan for the requested funding includes: $100,000 for administration; $87,500 for travel, $42,000 for project management, $875,000 for engineering, $62,500 for drafting, $72,500 for manufacturing, $120,000 for materials, $38,000 for management, $300,000 for testing, $212,500 for machine tooling, and $90,000 for other expenses.

EARMARK DECLARATION

HON. ROB BISHOP

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. BISHOP of Utah. Madam Speaker, consistent with House Republican Earmark Standards, I am submitting the following earmark disclosure and certification information for 14 individual project appropriations requests that I made and which were included within the text and/or report to accompany H.R. 2638, the "Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009."

I certify that neither I, nor my spouse, have any financial interest in these requests, and certify that, to the best of my knowledge, this request is (1) not directed to an entity or program named or that will be named after a sitting Member of Congress; (2) is not intended for a "front" or "pass-through" entity; and (3) meets or exceeds statutory requirements for matching funds (where applicable). Please note that while publication of this disclosure information prior to the floor vote was intended, such was not possible because House Democratic Leadership chose to circumvent regular order under the House Rules requiring a 24-hour layover period between the time of filing of the report and a floor vote on the same. Instead, they chose to file the report disclosing which projects were funded along with the amounts late last evening, and have scheduled a floor vote today on the bill.

I look forward to the day when House Leadership will adhere to their earlier promises of open and fair debate, adequate review periods for legislation, and following the House Rules under regular order.

Requesting Member: ROB BISHOP (UT–01).

Bill Number: H.R. 2638—The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009. Fourteen total projects were included at my written request which qualify as earmarks under Republican Conference guidelines as follows:

MILITARY CONSTRUCTION:

1. Project: Three-Bay Fire Station, Military Construction.

Bill Number: H.R. 2638, the "Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009".

Project Amount: $5.67 million.

Account: Air Force, Military Construction (MILCON).

Requesting Entity: Congressman ROB BISHOP.

Receiving Entity: Hill Air Force Base; Air Force Materiel Command.

Address: 75th Air Base Wing, Hill AFB, Utah 84056.

Project Description and Justification: Construction of new, 3-bay fire station next to the main runway is necessary to correct for violation of Air Force fire protection regulations regarding response times. New facility is necessary to provide adequate fire protection for aircraft, as well as industrial operations on East side of runway in support of vital national defense missions. This project was already approved in the Air Force's Five-Year Defense Plan as being necessary to meet military safety requirements. MILCON projects are inherently necessary as having been requested and reviewed by the applicable military service in the first instance. Congress merely readjusts prioritization of project funds in any given fiscal year based on showing of emerging or critical needs.

Matching Funds: Not applicable.

Detailed Spending Plan: Not applicable. Federal defense procurement and contracting statutes apply to the use of these funds.

HOMELAND SECURITY:

2. Project: FEMA Pre-Disaster Mitigation Grant .

Bill Number: H.R. 2638, the ''Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009''.

Project Amount: $650,000.

Account: Federal Emergency Management Agency (FEMA) Pre-Disaster Mitigation.

Requesting Entity: Brigham City, Utah (An incorporated municipality); requested through Patricia Jordan & Associates, Inc., 2111 Wilson Blvd., Suite 600, Arlington, VA.

Addresses: Brigham City Corporation (Attn: Jim Buchanan), 442 West Forest Street, Brigham City, Utah 84302. Pat Jordan & Associates, Inc., 2111 Wilson Blvd., Suite 600, Arlington, VA 22201.

Project Description and Justification: Original request was for seismic retro-fitting of a city-owned facility called the Northern Utah Regional Innovation Center. At the time of request submission, the request met the criteria of FEMA under pre-disaster mitigation guidelines. In the time since original DHS Appropriations Committee action took place approving the project, FEMA modified its criteria such that this original project was no longer compliant with its guidelines on cost-effectiveness. However, Brigham City submitted a new request to FEMA and through Congressional representatives for a compliant program; Seismic Retrofitting of the Brigham City Carnegie Public Library (an historic structure), which FEMA indicates is in compliance for cost-effectiveness and otherwise eligible for these funds. The Utah State Hazard Mitigation Office has determined that this revised project request is the State's number-one priority for FEMA/PDM funding and ranks very high on cost-benefit analysis. Seismic retrofitting of public structures in Brigham City is necessary because it is located along the populated Wasatch Fault and according to the U.S. Geological Survey, is at high risk for potentially catastrophic seismic events and resultant injuries and loss of life to the population. Funding would be used along with City Funding (below) to strengthen the historic Carnegie Library building to meet seismic standards.

Matching Funds: Brigham City, Utah, will provide 25 percent of the funds for this project, or $217,000.

Detailed Spending Plan: The total project cost is $867,000. Construction is estimated at $586,000. Relocation of the existing library while construction is underway is estimated at $281,000. FEMA PDM funds is $650,000. Brigham City local matching funds will be a minimum of $217,000.

DEFENSE PROJECTS:

3. Project: Small Low-Cost Reconnaissance Spacecraft Components.

Bill Number: H.R. 2638, the ''Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009''.

Project Amount: $1.6 million.

Amount: Air Force; RDT&E.

Requesting Entity: Utah State University (USU) Space Dynamics Laboratory.

Receiving Entity: U.S. Air Force Research Lab and USU Space Dynamics Laboratory and USU Space Dynamics Laboratory.

Addresses: Air Force Research Lab (AFRL), Responsive Systems, Kirtland AFB, New Mexico 87117; USU Space Dynamics Lab, Utah State University, 1695 N. Research Park Way, Logan, Utah 84341.

Project Description and Justification: Project funding would continue R&D efforts begun in FY'07 and FY'08 to develop and demonstrate technologies for new, lower-cost modular space systems which would provide quick, flexible, customizable, secure, and highly-capable satellite platforms for theatre and battleground communications and reconnaissance. Effort will lead to dedicated tactical satellite capabilities at a fraction of today's traditional satellite programs.

Matching Funds: Not applicable.

Detailed Spending Plan: Not applicable. Federal defense procurement and contracting statutes apply to the use of these funds. USU Space Dynamics Lab is a non-profit research institution of higher learning.

4. Project: Science, Engineering and Laboratory Data Integration (SELDI).

Bill Number: H.R. 2638, the ''Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009''.

Project Amount: $800,000.

Account: Air Force, Other Procurement.

Requesting Entity: ES3, Inc.

Receiving Entity: Air Force Materiel Command, Ogden Air Logistics Center, ES3, Inc.

Addresses: Ogden Air Logistics Center/ITMS, 6090 Gum Lane, Hill AFB, Utah 84056–5829; ES3, Inc., 1669 East 1400 South, Suite 100, Clearfield, Utah 84015.

Project Description and Justification: Funding would be used, as in several past years, to provide the Air Force with a rapid lab data access management tool allowing for the elimination of ordering duplicate spare parts in depot overhaul maintenance operations, and enable component trend failure analysis, and to implement a new acoustic signature sensor to ensure proper chemical composition of materials and equipment. SELDI has enjoyed strong Congressional support for many years, and was recognized by Congress in a previous House Report 109–89, at page 108, as a program that saved taxpayers money, and that would ''improve operational aircraft readiness, increase flight safety, and reduce support costs.''

Matching Funds: Not applicable.

Detailed Spending Plan: Not applicable. Federal defense procurement and contracting statutes apply to use of these funds.

5. Project: Tomahawk Missile Cost Reduction Initiative.

Bill Number: H.R. 2638, the ''Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009''.

Project Amount: $1.6 million.

Account: Navy, RDT&E.

Requesting Entity: Naval Air Systems Command (NAVAIR) and Williams International, Inc.

Receiving Entity: NAVAIR and Williams International, Inc.

Addresses: NAVAIR, PMA 280, Suite 540, Moffett Building 2272, 47123 Buse Road, Patuxent River, MD 20670 and Williams International, Inc., 3450 Sam Williams Drive, Ogden, Utah 84401.

Project Description and Justification: Funding would be used to incorporate new technology into the Tomahawk Cruise Missile Engine production process to achieve greater manufacturing efficiencies which will lead directly to cost-reductions per unit on this vital weapons system.

Matching Funds: Not applicable.

Detailed Spending Plan: Not applicable. Federal defense procurement and contracting statutes apply to use of these funds.

6. Project: Dugway Lidar Radar & Modeling Improvements.

Bill Number: H.R. 2638, the ''Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009''.

Project Amount: $2.4 million.

Account: Army, RDT&E.

Requesting Entity: Army West Desert Test Center, U.S. Army Dugway Proving Grounds and ITT, Inc.

Receiving Entity: Army West Desert Test Center, U.S. Army Dugway Proving Grounds, and ITT, Inc.

Addresses: West Desert Test Center, U.S. Army Dugway Proving Grounds, Utah 84022. ITT, Inc., 8262 South 5260 West, West Jordan, Utah 84088.

Project Description and Justification: Funding would be used to upgrade and improve the technical capabilities of Dugway in detecting, monitoring, and analyzing chemical and biological threats.

Matching Funds: Not applicable.

Detailed Spending Plan: Not applicable. Federal defense procurement and contracting statutes apply to use of these funds.

7. Project: Advanced Ship Self–Defense Technology Testing.

Bill Number: H.R. 2638, the ''Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009''.

Project Amount: $4 million.

Account: Navy, RDT&E.

Requesting Entity: Office of Naval Research and General Atomics, Inc.

Addresses: Office of Naval Research, 875 Randolph Street, Arlington, VA 22203 and General Atomics, 3550 General Atomics Court, San Diego, CA 92121–1122.

Project Description and Justification: Funding would be used to continue development and testing of a new era of self-defense capabilities for U.S. naval vessels involving a small, portable, electromagnetic rail-gun with associated subsystems. Field Testing and development would occur at U.S. Army Dugway Proving Grounds and the Utah Test and Training Range.

Matching Funds: Not applicable.

Detailed Spending Plan: Not applicable. Federal defense procurement and contracting statutes apply to the use of these funds.

8. Project:M 65 Bismaleimide Carbon Fiber Prepreg.

Bill Number: H.R. 2638, the ''Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009''.

Project Amount: $1.6 million.

Account: Navy, RDT&E.

Requesting Entity: Office of Naval Research and Hexcell, Inc.

Addresses: Office of Naval Research, 875 Randolph Street, Arlington, VA 22203 and Hexcell, Inc., 6700 West 5400 South, West Valley City, Utah 84118.

Project Description and Justification: Funding would be used to

Matching Funds: Not applicable.

Detailed Spending Plan: Not applicable.

Federal defense procurement and contracting statutes apply to the use of these funds.

9. Project: Automated Composite Technologies Manufacturing Center.

Bill Number: H.R. 2638, the ''Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009''.

Project Amount: $5 million.

Account: Defense Wide, Defense Production Act.

Requesting Entity: Ogden Air Logistics Center (OOALC) at Hill Air Force Base, Utah, and ATK, Inc.

Addresses: OOALC, Hill AFB, Utah 84056, and ATK, Inc., Freeport Center, Building C14, Clearfield, Utah 84016.

Project Description and Justification: Funding would be used to continue the public-private partnership between the Air Force and the private sector on scaling-up cutting edge carbon fiver placement processing technologies, to include equipment and training.

Matching Funds: Not applicable.

Detailed Spending Plan: Not applicable. Federal defense procurement and contracting statutes apply to the use of these funds.

10. Project: ROVER Combat Ops Support Program.

Bill Number: H.R. 2638, the ''Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009''.

Project Amount: $7.3 million.

Account: Air Force, Other Procurement.

Requesting Entity: U.S. Air Force (645th AESG) and L–3 Communications West.

Addresses: L–3 Communications West, Inc., 640 North 2200 West, Salt Lake City, Utah 84116.

Project Description and Justification: Funding would be used to purchase the most advanced ROVER 5 surveillance and communications units for U.S. Special Forces.

Matching Funds: Not applicable.

Detailed Spending Plan: Not applicable. Federal defense procurement and contracting statutes apply to the use of these funds.

11. Project: Fiber Optic Conformal Acoustic Velocity Sensor (FOCAVES).

Bill Number: H.R. 2638, the ''Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009''.

Project Amount: $2 million.

Account: Navy, RDT&E.

Requesting Entity: Northrup Grumman, Inc.

Addresses: Mr. Pete Scala, PEOIWS5B (202) 781–3360; and Northrup-Grumman, Inc., Electronic Systems, 2211 West North Temple, Salt Lake City, Utah 84116.

Project Description and Justification: Funding would be used to continue demonstration efforts of fiber optic technology currently used in the Virginia Class submarine's Lightweight Wide Aperture Array sonar system, for use in the next generation SSN and Ballistic Missile Submarine platforms to give an increased ability to detect quieter enemy diesel-electric submarines in littoral waters, and to reduce life-cycle costs of such systems.

Matching Funds: Not applicable.

Detailed Spending Plan: Not applicable. Federal defense procurement and contracting statutes apply to the use of these funds.

12. Project: Next Generation Phalanx.

Bill Number: H.R. 2638, the ''Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009''.

Project Amount: $10.7 million.

Account: Navy, RDT&E.

Requesting Entity: Colmek Engineering, Inc.

Addresses: Colmek Engineering, Inc., 2001 South 3480 West, Salt Lake City, Utah 84104.

Project Description and Justification: Funding would be used to develop improvements to the Phalanx protection system by redesigning and repackaging of outdated electronics; incorporation of advanced electro-optical sensor technology; demonstration of high-energy laser to successfully defeat traditional and asymmetric threats, and develop portable, stand-alone versions of the radar for use on small ships. This request is #5 on the Chief of Naval Operations FY'09 Unfunded Requirements List.

Matching Funds: Not applicable.

Detailed Spending Plan: Not applicable.

Federal defense procurement and contracting statutes apply to the use of these funds.

13. Project: TranSim Driver's Training Services Program.

Bill Number: H.R. 2638, the ''Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009''.

Project Amount: $1.2 million.

Account: Army, O&M.

Requesting Entity: MPRI, Inc.

Addresses: MPRI, Inc., 12351 Research Parkway, Orlando, Florida 32826.

Project Description and Justification: Funding would be used to provide state-of-the-art driver's training involving several Army vehicle types for Army personnel, including Army National Guard personnel. Better pre-deployment driver training of the handling characteristics of large Army vehicles is necessary to help avoid mishaps, injuries and death in the field.

Matching Funds: Not applicable.

Detailed Spending Plan: Not applicable. Federal defense procurement and contracting statutes apply to the use of these funds.

14. Project: UH–60 Improved communications (ARC 220).

Bill Number: H.R. 2638, the ''Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009''.

Project Amount: $1.6 million.

Account: Army, Aircraft Procurement.

Requesting Entity: U.S. Air National Guard; the Utah Air National Guard, and Rockwell-Collins, Inc.

Addresses: Rockwell-Collins, Inc., 12351 Research Parkway, Orlando, Florida 32826.

Project Description and Justification: Funding would be used to purchase modern radios for Air National Guard UH 60 helicopters. This is such a small procurement, that its almost embarrassing that the Active Force hands-down their old, used UH–60 helicopters with ancient radio systems to our National Guard forces without the requested improvements. This ''add'' is something that the Congress should not have had to ask for as an earmark request, but rather, should be included by the Department of Defense and the Administration in its defense budget request. Better radios and communications are life-saving to pilots and personnel and a critical safety of flight issue. These items are needed to support Guard missions in behalf of national defense mission, homeland defense, and emergency response operations. They deserve no less capable radios than the active force.

Matching Funds: Not applicable.

Detailed Spending Plan: Not applicable.

Federal defense procurement and contracting statutes apply to the use of these funds.

EARMARK DECLARATION

HON. STEVEN C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. LATOURETTE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 2638, Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009:

Electronics Liquid Cooling for Advanced Military Ground and Aerospace Vehicle Projects.

Account: Research, Development, Test and Evaluation, Air Force; Aerospace Propulsion.

Legal Name of Requesting Entity: Parker Hannifin Corporation.

Address of Requesting Entity: 9200 Tyler Boulevard, Mentor, OH, 44060 USA.

Description of Request: Provide an earmark of $1,000,000 for developing cost-effective production methods and certified processes for implementing advanced liquid cooling technologies in military ground and air platform power electronics and related embedded computing applications. Approximately, $600,000 is for engineering; $250,000 is for hardware, and $150,000 is for testing and reports. Parker Hannifin is committed to providing $500,000 to this project. The project is expected to last beyond FY2009, for duration of 2-3 years.

Environmentally Friendly Aircraft Decontamination Systems.

Account: Research, Development, Test and Evaluation, Defense-Wide; Chemical and Biological Defense Program.

Legal Name of Requesting Entity: STERIS Corporation

Address of Requesting.

Entity: 5960 Heisley Road, Mentor, OH, 44060 USA.

Description of Request: Provide an earmark of $1,600,000 for designing, developing and optimizing a decontamination system to meet the unique chemical and biological decontamination needs of Tri-Service tactical aircraft, including the Joint Strike Fighter (JSF), F-16, as well as cargo aircraft, particularly those employed to transport military personnel exposed to CB warfare agents or infectious diseases. Approximately $46,800 is for performance specification development; $156,000 is for hardware design; $78,000 is for hardware ruggedization design; $202,800 is for software development; $187,200 is for mechanical components; $124,800 is for electrical components; $15,600 is for

consumables; $124,800 is for system integration; $600,000 is for system testing; $156,000 is for environmental testing; $78,000 is for stimulant and surrogate testing; $234,000 is for live agent testing. STERIS is committed to providing $1,500,000 to this project.

Catalytic Oxidation (CATOX) Integrated Demonstration.

Account: Research, Development, Test and Evaluation, Defense-Wide; Chemical and Biological Defense Program.

Legal Name of Requesting Entity: Air Force Research Laboratory Address of Requesting.

Entity: Wright Patterson AFB, OH 45433 USA.

Description of Request: Provide an earmark of $2,400,000 for a demonstration program to develop, test, and integrate CATOX systems into Army vehicles. Approximately, $2,400,000 will be used for implementation of the CATOX Integrated Demonstration program. Catalytic Oxidation (CATOX) is an advanced technology that is capable of protecting warfighters, first responders, and civilians against the adverse effects of chemical and biological weapons by destroying a wide range of toxins in a manner similar to automotive catalytic converters. Additional funding is required for a demonstration program to develop, test, and integrate CATOX systems into Army vehicles.

Enhanced Vapor Aeration Capabilities.

Account: Research, Development, Test and Evaluation, Army; Chemical, Smoke and Equipment Defeating Technology.

Legal Name of Requesting Entity: STERIS Corporation

Address of Requesting.

Entity: 5960 Heisley Road, Mentor, OH, 44060 USA.

Description of Request: Provide an earmark of $2,400,000 for developing and optimizing methods to shorten the overall cycle time of the VHP process. These improvements would significantly reduce the time and resources needed by warfighters for battlefield decontamination. Approximately, $212,175 is for hardware design; $239,850 is for hardware construction/assembly; $184,500 is for software development; $221,400 is for mechanical components; $175,275 is for electrical components; $101,475 is for consumables; $184,500 is for system integration; $313,650 is for system field testing; $193,725 is for environment testing; $239,850 is for stimulant and surrogate testing; and $332,100 is for live agent testing. STERIS is committed to providing $1,625,000 to this project.

EARMARK DECLARATION

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. GRAVES. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding appropriations I received as part of H.R. 2638, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Requesting Member: Congressman SAM GRAVES.

Bill Number: H.R. 2638.

(1) Account: Procurement, Marine Corp.

Legal Name of Requesting Entity: DTS Relia-Com Communications Systems.

Address of Requesting Entity: PO Box 8384, St. Joseph, MO 64508.

Description of Request: Missouri's Sixth District received an appropriation of $2,500,000 to improve communications for our armed forces. The project is fully funded by the appropriations acts providing funding to the Department of Defense.

(2) Account: Research, Development, Test and Evaluation, Army.

Legal Name of Requesting Entity: Lake City Army Ammunition Plant.

Address of Requesting Entity: Lake City Army Ammunition Plant, Independence, Missouri, in Jackson County.

Description of Request: Missouri's Sixth District received a $1,000,000 appropriation to test the performance of aluminum cartridges at the Lake City Ammunition Plant in Missouri. The project is fully funded by the appropriations acts providing funding to the Department of Defense.

(3) Account: Research, Development, Test and Evaluation, Defense Wide.

Legal Name of Requesting Entity: Inovatia Laboratories.

Address of Requesting Entity: 120 East Davis Street, Fayette, MO 65248.

Description of Request: Missouri's Sixth District received a $1,600,000 appropriation to further study multiple applications for agents that decompose and deactivate chemical and biological agents. The proof-of-concept effort was funded by an Air Force Broad Agency Announcement (BAA) research contract. Additional research was funded by support from the FY 2005 Omnibus Appropriations bill (part of H.R. 4818). Finally, Inovatia Laboratories has strategically directed cash flows from its testing and consulting services to the development of this important and unique technology.

(4) Account: Research, Development, Test and Evaluation, Navy and Marine Corp.

Legal Name of Requesting Entity: Energizer.

Address of Requesting Entity: 25225 Detroit Road, Westlake, OH 44145.

Description of Request: Missouri's Sixth District received a $2,500,000 appropriation to further develop a high power lightweight battery for our soldiers. Energizer has invested significant internal R&D resources to this program.

(5) Account: FEMA Pre-disaster Mitigation.

Legal Name of Requesting Entity: North West MO Regional Council of Governments.

Address of Requesting Entity: 114 West 3rd. St., Maryville, MO 64468.

Description of Request: Missouri's Sixth District received a $300,000 appropriation to facilitate the distribution of funding for emergency alert systems.

As evidenced by the deadly tornado outbreaks during Spring 2006 and Spring 2007, communities in northwest Missouri are lacking in emergency alert systems. Many of the communities do not have any type of warning system at all, and those that do often rely upon old, manually-activated outdoor warning sirens implemented during the height of the Cold War in the 1950s. Northwest RCOG is proposing to facilitate the distribution of funding for emergency alert systems, including warning sirens and reverse-911, throughout Atchison, Holt, Gentry, Nodaway, and Worth counties. A competitive award process would be used to assist as many communities as possible, with no one community receiving more than 20 percent of the total allotment. As a regional organization, Northwest can distribute funds in an equitable and efficient manner, impacting the greatest number of people with the least amount of public funds.

As a result of these funds, eleven communities and at least 20,000 persons will be fully covered by emergency alert sirens, likely resulting in saving the lives of northwest Missourians in the path of dangerous severe storms. Facing severe downturns in both sales and property taxes, these projects would not occur without federal assistance.

Total Proposed Funding: $300,000.

Proposed Recipients:

City of Tarkio, Atchison County.

Total Request: $17,000.

The City of Tarkio is home to nearly 2,000 residents, who rely on one storm siren to alert the populace to approaching severe weather. The siren is located near the center of town at city hall, and does not adequately cover all areas of the city limits. Tarkio is proposing to add one new siren, and relocate the current siren to ensure the entire community is covered.

City of Albany, Gentry County

Total Request: $22,000.

Albany is the county seat of Gentry County, and is home to over 1,900 residents. Recently, the city has experienced new growth on the northwest side of town, which has exceeded the alert range for the city's existing emergency alert sirens. In addition, three of the city's current sirens are several decades old, and require upgrades to their control mechanisms. Albany is requesting funding to install one new and repair three existing sirens.

City of Forest City, Holt County

Total Request: $17,000.

The City of Forest City is home to over 300 citizens, and uses one emergency alert siren to warn the population of severe weather. The siren is a relic from the 1940's air raid stock, and is in sore need of replacement. In addition, the city will install a method of remotely activating the siren (currently, the siren is manually activated).

City of Mound City, Holt County

Total Request: $39,000.

Mound City, population 1,200, sits along I-29 in Holt County, Missouri. Located in the Loess Hills Bluffs, the undulating geography of the community poses a challenge to emergency alert systems. As a result, the city's two current sirens do not cover the entire community. Mound City is proposing to replace one and install two new emergency alert sirens.

City of Burlington Junction, Nodaway County.

Total Request: $12,000.

Burlington Junction's 630 residents utilize one emergency alert siren for notification of impending severe weather. However, one siren does not encompass the entire community. As such, the town is requesting funds to purchase and install one new emergency alert siren.

Village of Guilford, Nodaway County

Total Request: $5,000.

The Village of Guilford currently has adequate storm siren coverage. However, the storm siren does not have any type of battery back-up system, rendering it useless during a power outage. The village is requesting funds to purchase a battery back-up system for their current siren.

City of Maryville, Nodaway County

Total Request: $60,000.

The City of Maryville is the largest community in northwest Missouri, having a population of over 10,500. The community is home to Northwest Missouri State University, and houses nearly all of the manufacturing in the region. Maryville is proposing to install or replace six storm warning sirens to cover the entire geographic extent of the community, as well as Mozingo Lake, a recreation and fishing destination for the region. The total project cost is approximately $173,000.

City of Pickering, Nodaway County

Total Request: $12,000.

The City of Pickering is home to 154 residents, and is seeking funding to purchase and install one emergency alert siren. Currently, the city does not have adequate coverage by a storm siren.

City of Skidmore, Nodaway County

Total Request: $12,000.

The City of Skidmore is home to 340 residents, and is seeking funding to purchase and install one emergency alert siren. Currently, the city does not have adequate coverage by a storm siren.

Village of Denver, Worth County

Total Request: $12,000.

The Village of Denver currently does not have any outdoor warning siren, leaving its inhabitants susceptible to approaching severe weather, particularly during the overnight hours. The city is requesting funds to purchase and install one emergency alert siren.

City of Sheridan, Worth County

Total Request: $12,000.

The City of Sheridan, population 185, currently does not have any outdoor warning siren, leaving its inhabitants susceptible to approaching severe weather, particularly during the overnight hours. The city is requesting funds to purchase and install one emergency alert siren.

Regional Projects, Atchison, Gentry, Holt, Nodaway, and Worth

Total Request: $80,000.

The remainder of the appropriation request will be utilized to fund regional projects, primarily at the county level. Many of the sirens located throughout northwest Missouri are manually activated, posing a risk to anyone who sounds the alarm. As such, these dollars would be made available to the county governments of Atchison, Gentry, Holt, Nodaway, and Worth to help implement remote activation of sirens and/or increase siren coverage in populated, but unincorporated areas.

EARMARK DECLARATION

HON. THELMA D. DRAKE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mrs. DRAKE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of the Amendment of the House of Representatives to the Senate Amendment to H.R. 2638, the Department of Homeland Security Appropriations Act, 2008.

Project Name: UAV Situational Awareness System.

Requesting Member: Rep. THELMA DRAKE.

Bill Number: H.R. 2638.

Account: RDTE, DW.

Legal Name of Requesting Entity: Global Technical Systems.

Address of Requesting Entity: 784 Lynnhaven Parkway, Virginia Beach, VA 23452.

Description of Request: Appropriate funding of $1,000,000 to develop a system that will fuse data from sensor systems such as radar, infrared (IR), and optical sensors, with GPS maps and global information, in near real-time.

Project Name: Analytics for Shipboard Monitoring Systems (ASMS).

Requesting Member: Rep. THELMA DRAKE.

Bill Number: H.R. 2638.

Account: RDTE, N.

Legal Name of Requesting Entity: Oceana Sensor Technologies and ESRG LLC.

Address of Requesting Entity: Oceana Sensor Technologies—1632 Corporate Landing Parkway, Virginia Beach, VA, USA; ESRG LLC–1209 Independence Boulevard, Virginia Beach, VA, USA.

Description of Request: Appropriate funding of $1,600,000 to integrate remote monitoring technologies with legacy ship systems. This project will enable reduced manning and provide crucial ship-to-shore interaction for remote diagnostic decision technology to support ship operators globally.

Project Name: Automated Fiber Optic Manufacturing Initiative.

Requesting Member: Rep. THELMA DRAKE.

Bill Number: H.R. 2638.

Account: RDTE, N.

Legal Name of Requesting Entity: KITCO Fiber Optics.

Address of Requesting Entity: 5269 Cleveland Street, Virginia Beach, VA 23462.

Description of Request: Appropriate funding of $2,800,000 to insert automated fiber optic technologies in small, portable, maintenance equipment that can be used by ship construction and ship's force personnel in the harsh shipboard environment. The funding will assist in deploying fiber optics as the primary communication system components for tactical shipboard applications on almost every current and future ship platform.

Project Name: Automated Readiness Measurement System (ARMS).

Requesting Member: Rep. THELMA DRAKE.

Bill Number: H.R. 2638.

Account: RDTE, N.

Legal Name of Requesting Entity: DDL Omni Engineering, LLC.

Address of Requesting Entity: 440 Viking Drive, Suite 150, Virginia Beach, VA 23452.

Description of Request: Appropriate funding of $2,800,000 to develop a system to provide an objective assessment of readiness in multiple mission areas throughout an organization's training and operational deployment cycle.

Project Name: Integrated Naval Electronic Warfare.

Requesting Member: Rep. THELMA DRAKE.

Bill Number: H.R. 2638.

Account: RDTE, N.

Legal Name of Requesting Entity: Electronic Warfare Associates, Inc.

Address of Requesting Entity: 440 Viking Drive, Suite 130, Virginia Beach, VA 23452.

Description of Request: Appropriate funding of $1,000,000 to begin the process of bringing contractor subject matter experts onboard the Navy's NETWARCOM.

EARMARK DECLARATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. JOHNSON of Illinois. Madam Speaker, pursuant to the Republican Leadership standards on project funding, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding project funding I requested as part of Fiscal Year 2009 Defense Appropriations bill that was included in H.R. 2638:

(1) Requesting Member: TIMOTHY V. JOHNSON.

Bill Number: Fiscal Year 2009 Defense Appropriations bill included in H.R. 2638.

Account: Research, Development, Test, and Evaluation—Army.

Legal Name of Requesting Entity: SmartSpark Energy Systems.

Address of Requesting Entity: Current—2111 S. Oak Street, Suite 106, Champaign, IL 61820. Previous—60 Hazelwood Drive, Champaign, IL 61820.

Description of Request: $640,000 to develop a highly reliable, maintenance free remote solar power system. This system will be designed to power equipment in remote areas for over 10 years allowing the Defense Department to have reliable power sources where grid power is unavailable. It is my understanding that this funding will be used as follows: Engineering Labor and Overhead—$395,000; Materials and manufacturing of alpha and beta prototypes—$100,000; Outside testing to validate reliability and durability—$75,000; Outside Consultants and Travel—$35,000; Test equipment required for product development—$35,000.

(2) Requesting Member: TIMOTHY V. JOHNSON.

Bill Number: Fiscal Year 2009 Defense Appropriations bill included in H.R. 2638.

Account: Research, Development, Test, and Evaluation—Army.

Legal Name of Requesting Entity: Creative Thermal Solutions, Inc.

Address of Requesting Entity: 2209 N. Willow Road, Urbana, IL 61802.

Description of Request: $800,000 to develop a miniature man-portable cooling unit system targeted to the soldier's protective vest. This cooling unit will weigh no more than 2 pounds and will allow soldiers to carry a cooling unit with them into battle, allowing them to utilize his or her mental and physical strengths to their fullest extent. It is my understanding that this funding will be used as follows: $640,000 for Research and Development; $160,000 for Materials and Capital Equipment.

(3) Requesting Member: TIMOTHY V. JOHNSON.

Bill Number: Fiscal Year 2009 Defense Appropriations bill included in H.R.2638.

Account: Research, Development, Test, and Evaluation—Navy.

Legal Name of Requesting Entity: Trusted Computer Solutions.

Address of Requesting Entity: 2021 S. First Street, Suite 207, Champaign, IL 61820.

Description of Request: $800,000 to develop an advanced cross-domain network access system that will allow defense and intelligence personnel to safely travel to any destination in the world with equipment that will allow access

to classified information without exposing their identity or the aforementioned information. It is my understanding that this funding will be used as follows: Development, including raw materials and prototype production equipment—$300,000; Testing—$200,000; Systems and Software Research—$300,000.

(4) Requesting Member: TIMOTHY V. JOHNSON.

Bill Number: Fiscal Year 2009 Defense Appropriations bill included in H.R. 2638.

Account: Research, Development, Test, and Evaluation—Defense Wide Classified.

Legal Name of Requesting Entity: SAIC, Inc.

Address of Requesting Entity: 1901 S. 1st Street, Suite D–1, Champaign, IL 61820.

Description of Request: $800,000 This project is classified and therefore I am unable to provide a breakdown of the use of these funds in the CONGRESSIONAL RECORD. These funds will be used to develop technologies necessary to identify and target objects of interest with precision and to defeat denial and deception capabilities of our adversaries.

EARMARK DECLARATION

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mrs. WILSON of New Mexico. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 2638—The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

The name of the requesting Member: HEATHER WILSON.

The bill number: H.R. 2638.

The account: 18 DTRA 0602716Br WMD Defeat Technology.

The legal name and address of the requesting entity or in the case of military construction earmarks, the name and address of the military installation; The entity to receive funding for this project is the University of New Mexico, 1 University of New Mexico, Albuquerque, NM 87131–0001.

A description of the earmark including the amount and a spending plan: Requested amount $3.2 Million. The Defense Threat Reduction Agency (DTRA) University Strategic Partnerships (USP) Program began in 2003, and is in the current Department of Defense POM budget at $2 million per year. The program seeds projects at universities in cooperation with divisions throughout DTRA. The typical value of a task contract is $500,000 per year and it primarily funds exploratory projects, with up to several million dollars per year for operational research and development projects. Additional USP funding would allow for additional projects to be initiated and would assist in continuing projects past their initial year by sharing funding between operational divisions of DTRA. New areas of interest at DTRA include multiple projects in biotechnology, nanotechnology, materials science, information sciences, infectious diseases, surveillance, medical sciences, and the modeling and understanding of group behavior. In addition, current projects would move on to a phase two funding with DTRA internal divisions sharing costs. Current projects, as noted above, involve social and physical sciences, engineering, and medical and veterinary sciences.

The name of the requesting Member: HEATHER WILSON.

The bill number: H.R. 2638.

The account: 15 0603114N Power Projection Advanced Technology.

The legal name and address of the requesting entity or in the case of military construction earmarks, the name and address of the military installation; The entity to receive funding for this project is the NM Tech Institute of Mining, 801 Leroy Place, Socorro, NM 87801.

A description of the earmark including the amount and a spending plan: The requested amount is $7.0 Million. The U.S. Office of Naval Research and the Naval Research Laboratory have joined a consortium of research universities, including the New Mexico Institute of Mining and Technology and Cambridge University, in a unique teaming arrangement to build a state of the art observatory in the Magdalena Mountains near Socorro, New Mexico. In support of this program, the strengths of these research organizations and the existing investment in the Magdalena Ridge Observatory (MRO) are being leveraged to develop and sustain smart, advanced instrumentation for imaging space objects. This is in support of the existing MRO mission and will advance the capabilities of the observatory, particularly in the area of Space Situational Awareness (SSA).

The name of the requesting Member: HEATHER WILSON.

The bill number: H.R. 2638.

The account: 121 OSD 0604940D8Z Central Test And Evaluation Investment Development (CTEIP).

The legal name and address of the requesting entity or in the case of military construction earmarks, the name and address of the military installation; The entity to receive funding for this project is New Mexico State University, P.O. Box 30001, Las Cruces, NM 88003.

A description of the earmark including the amount and a spending plan: The amount requested is $5.0 Million. Critical needs to be addressed by UAV Systems Operations and Validation Program under this congressional request include the development of certification requirements for UAV operators in the National Aerospace Systems (both DoD and civilian), development of training programs for UAV operators and designers, and further development of unique surface materials to provide camouflage coatings for small- to mid-sized UAVs. Other key requirements include reliability, standards, interoperability, airspace integration, cost efficiencies, risk reduction, user demands, and aerodynamic and propulsion applications for micro UAVs. Lastly, a flight test center located in civil airspace will be available for federal and civil users.

The name of the requesting Member: HEATHER WILSON.

The bill number: H.R. 2638.

The account: 13 0602601F Space Technology.

The legal name and address of the requesting entity or in the case of military construction earmarks, the name and address of the military installation; The entity to receive funding for this project is the University of New Mexico, 1 University of New Mexico, Albuquerque, NM 87131–0001.

A description of the earmark including the amount and a spending plan: The requested amount is $800 thousand. The development of large autonomous and reconfigurable space-based systems is in the interest of national security. Coordination and control of multiple satellites and deployable sensor systems that can automatically plan their interaction toward a common objective is valuable in surveillance applications, coordination of military and relief operations, as well as communications. Successful development of this technology will allow the DoD to conduct space-based surveillance with greater resolution and wider coverage. This technology is also necessary for the generation of solar power in space and the projection of laser beams to enable the transformational communication needs of the DoD. The technology developed and associated educational programs will also support the commercial aerospace industry.

The name of the requesting Member: HEATHER WILSON.

The bill number: H.R. 2638.

The account: 13 0602601F Space Technology.

The legal name and address of the requesting entity or in the case of military construction earmarks, the name and address of the military installation; The entity to receive funding for this project is Goodrich Corporation, 6600 Gulton Ct NE, Albuquerque, NM 87109.

A description of the earmark including the amount and a spending plan: The amount requested is $2.4 Million. This program will enable rapid integration of new technologies and payloads for the Air Force's Operationally Responsive Space (ORS) program. This will be accomplished by developing a common interface, simplified thermal design and fine grain programmability for avionics related spacecraft hardware. Goodrich SFS' approach significantly reduces recurring system engineering by speeding component integration, providing a common platform for software reuse and auto-code generation. It also allows for hardware design changes up through integration and test and result in a simplified test environment.

The name of the requesting Member: HEATHER WILSON.

The bill number: H.R. 2638.

The account: 118 OSD 0603757D8Z Training Transformation (T2).

The legal name and address of the requesting entity or in the case of military construction earmarks, the name and address of the military installation; The entity to receive funding for this project is NM Tech, 801 Leroy Place, Socorro, NM 87801.

A description of the earmark including the amount and a spending plan: The amount requested is $4.8 Million. The New Mexico Institute of Mining and Technology (New Mexico Tech) acquired the town of Playas, NM, in October 2004 and has converted the town into the Playas Training and Research Center (PTRC). The funding requested herein for FY08 will be used to establish the PTRC as a Joint National Training and Experimentation Site for National Guard Bureau (NGB) active and reserve personnel, as well as for Air National Guard and Army National Guard personnel. Playas is envisioned as becoming an integral portion of the Joint National Training Capability. This program and associated funding for it is under the sponsorship of the Joint Forces Command (JFCOM) Joint National

Training Capability (JNTC), since JFCOM/JNTC has been designated as the principal Joint Forces integrator. The requested funding will be used to develop, explore and assess new joint concepts, organizational structures and emerging technologies. The capabilities of Playas will serve Joint Forces Command and National Guard mission area training requirements.

The name of the requesting Member: HEATHER WILSON.

The bill number: H.R. 2638.

The account: 3 0601153N Defense Research Sciences.

The legal name and address of the requesting entity or in the case of military construction earmarks, the name and address of the military installation; The entity to receive funding for this project is the University of New Mexico, located at 1 University of New Mexico, Albuquerque NM 87131.

A description of the earmark including the amount and a spending plan: The amount requested is $2.8 Million. The Long Wavelength Array (LWA), which will be managed by the University of New Mexico, is a very large aperture (400 km) radio astronomy telescope that will be centered on the Plains of San Augustine and extending into southwestern New Mexico. This powerful new instrument will enable scientists to analyze a poorly explored region of the electromagnetic spectrum which will provide research in astrophysics, space physics, space weather, and ionospheric physics. The LWA will be an important research instrument to support critical national security efforts, particularly in the area of developing more accurate models of the ionosphere and its effects on radio and radar propagation.

EARMARK DECLARATION

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. CARTER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of the House Amendment to the Senate Amendment to H.R. 2638, the Department of Homeland Security, 2008.

Requesting Member: Congressman JOHN R. CARTER.

Bill Number: H.R. 2638.

Account: FEMA State and Local Programs.

Legal Name of Requesting Entity: Texas Engineering Extension Service.

Address of Requesting Entity: 301 Tarrow, College Station, TX 77840.

Description of Request: I requested $23 million for the National Emergency Response and Rescue Training Center (NERRTC) in the FY09 Homeland Security Appropriations bill. The entity to receive funding for this is the Texas Engineering Extension Service. It is my understanding that $23 million will be used to provide training courses and programs to train our Nation's emergency responders. Courses are delivered on a rolling basis as directed by DHS. These efforts take place year-round until all the appropriated funding is expended.

EARMARK DECLARATION

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. SAM JOHNSON of Texas. Madam Speaker, pursuant to the Republican Leadership standards of earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of the Amendment to the Senate Amendment to H.R. 2638, The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

(1) Secure Grids Network Centric Operations.

Requesting Member: Hon. SAM JOHNSON.

Bill Number: H.R. 2638.

Account: 2-0601103F, University Research Initiatives

Requesting Entity: The University of Texas at Dallas, located at 800 W. Campbell Road, Richardson, TX 75080.

Description: The Secure Grids Network Centric Operations will develop an integrative Grid laboratory spanning multi-univerisities to investigate techniques and systems for pervasively secure grid computing with focus on network centric enterprise services and on the management of massive data sets. Key applications include massive knowledge intensive surveillance tasks, such as cooperative terrorist tracking employing multi-agency databases, and the analysis of financial movements. This project is a collaborative efforts between 3 universities in 3 states, namely The University of Texas at Dallas, the University of Texas at Arlington, and Purdue University.

Project amount is $1,600,000.

(2) Mobile, Oxygen, Ventilation, and External Suction (MOVES).

Requesting Member: Hon. SAM JOHNSON.

Bill Number: H.R. 2638.

Account: 123-0604771N, Medical Development.

Requesting Entity: SVTronics Inc., located at 3465 Technology Drive, Plano, Texas 75074.

Description: The U.S. Marine Corps has been developing a lightweight, self-contained, Mobile, Oxygen, Ventilation, and External Suction (MOVES) system in support of the En Route Care System. The MOVES system uses ambient air to produce oxygen and then delivers the oxygen directly to the casualty. It has a ventilator that can ventilate a patient with up to 85% oxygen, and it also has suction capability. In addition, the MOVES system can monitor vital signs including blood pressure, heart rate, pulse oximetry, temperature, oxygen and carbon dioxide levels, and ECG. All of these capabilities are integrated in a single system that typically runs for 3.5 hours on a single battery set (2.5 hours minimum), but can run even longer with additional batteries. The system reduces the cube and weight of the present En Route Care System by over 80%, and eliminates the hazards associated with having oxygen gas cylinders in the field. The Marine Corps has also begun development of an add-on module for the MOVES system for portable anesthetic delivery in the field. The module will eliminate waste, hazards, and need for additional training because it will administer the anesthetic by the technique most familiar to anesthesiologists trained in the U.S. It will also be much more rugged and lightweight than current technology. Project amount is $1,200,000.

(3) Stryker Common Active Protection System (APS) Radar

Requesting Member: Hon. SAM JOHNSON.

Bill Number: H.R. 2638.

Account: 62-0603653A, Advanced Tank Armament System (Atas).

Requesting Entity: Raytheon, located at 2501 W. University Drive, McKinney, Texas.

Description: APS is an externally mounted vehicle protection system that identifies, discriminates and intercepts RPGs, mortars, anti-tank guided missiles and artillery projectiles after they are launched toward a combat vehicle. The system consists of the Multi-Function Radio Frequency (MFRF) radar, launchers, fire control processors and countermeasures.

In 2007, the Army accelerated the APS requirement for Stryker by designating it a critical component of Spin Out 2, the second increment of FCS technologies to be fielded to the Current Force in the 2010–2012 timeframe. APS is funded under the FCS MGV budget line, but there is no dedicated funding to support APS development for Stryker in FY08 or FY09. The Army originally requested FY08 funding for Stryker APS but has since reallocated these funds to support power management and other upgrades needed to accommodate Spin Outs. The lack of dedicated Stryker APS funding in FY09 halts Current Force APS development and undermines Spin Out 2. Project amount is $1,600,000.

EARMARK DECLARATION

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. BLUNT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 2638.

Requesting Member: Congressman ROY BLUNT.

Bill Number: H.R. 2638.

Account: Army—RDT&E, Sensors And Electronic Survivability.

Legal Name of Requesting Entity: Missouri State University and Foster Miller Inc.

Address of Requesting Entity: 524 N. Booneville Ave, Springfield, MO 65806.

Description of Request: $4 million is included in this bill for advanced warning systems enabled by integration of sensors and onboard intelligence such that robotic platforms can be tasked to self-deploy and self-maneuver to provide situational awareness and recommend a plan of action without being detected. The use of taxpayer funds is justified because a major impediment to mobility and security of Department of Defense personnel and facilities in theater is lack of perimeter monitoring capabilities for detection of approaching enemy elements, vehicles, and release of toxic chemical and biological threats. In theater, forward security teams have relied on use of dogs to warn warfighters of the presence of intruding personnel. More than ever before such teams, operating covertly or otherwise, find themselves in hostile territories

and are required to rotate sentry duty among the team. What is needed is advanced warning systems enabled by integration of sensors and onboard intelligence such that robotic platforms can be tasked to self-deploy and self-maneuver to provide situational awareness and recommend a plan of action without being detected.

Requesting Member: Congressman ROY BLUNT.

Bill Number: H.R. 2638.

Account: Army—RDT&E, Medical Advanced Technology.

Legal Name of Requesting Entity: Missouri State University and St. Johns Health System.

Address of Requesting Entity: 524 N. Booneville Ave, Springfield, MO 65806.

Description of Request: $5.4 million is included in this bill to fund technology to allow for the improved ability to quickly treat soldiers who sustain severe eye injuries in the field. Currently, the time from injury to treatment for eye injuries in the Iraqi conflict averages more than 18 hours due to the lack of field-ready, easy-to-use eye injury stabilization materials. Walter Reed Army Medical Center feels strongly that the project has considerable military relevance and plans to collaborate in the program. The use of taxpayer funds is justified because many of the injuries suffered by our military personnel serving in the Middle East are a result of IED (improvised explosive device) mortar and direct action injuries. Between October 2001 and June 2006, over 1,100 troops with combat eye trauma were evacuated from overseas military operations, making serious eye wounds one of the most common types of injury experienced in current U.S. conflicts.

Requesting Member: Congressman ROY BLUNT.

Bill Number: H.R. 2638.

Account: Air Force—RDT&E.

Legal Name of Requesting Entity: Missouri State University and Nantero Inc.

Address of Requesting Entity: 524 N. Booneville Ave, Springfield, MO 65806.

Description of Request: $7.2 million included in this bill for Carbon Nanotube-based Radiation Hard Nano-Electronic devices.

Requesting Member: Congressman ROY BLUNT.

Bill Number: H.R. 2638.

Account: Global Command And Control System Research, Development, Test And Evaluation, Air Force.

Legal Name of Requesting Entity: Gestalt/Accenture.

Address of Requesting Entity: 320 4th Street, Joplin, MO 64801.

Description of Request: $4 million is included in this bill for the purpose of allowing the delivery of critical information across a low-bandwidth enterprise and to manage services. C2SLM will enable our military to respond to the agility of our opponent by building agility and flexibility into our technology. C2SLM has been selected by the Pentagon to be the early pathfinder for the A-Staff, which will lead to a contract in excess of several hundred million to address non-AOC command and control for COCOMs and NAFs.

EARMARK DECLARATION

HON. STEVE CHABOT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. CHABOT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 2638 the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

The Electrofluidic Chromatophores for Adaptive Camouflage project is listed under account 3 0601103A, the University Research Initiative for $1,750,000. The project is requested by the University of Cincinnati located at 836A Rhodes Hall, Cincinnati, OH 45221–0030. The University of Cincinnati is in the process of developing an electro-optical system based on electrowetting technology that can change the color of a reflective surface electronically. This project would allow the Armed Forces to change its camouflage pattern electronically at any time. Funds will be used for a two year research project with annual federal expenditures of approximately $1,750,000 million, divided among the University of Cincinnati and Motorola labs. These funds will support approximately two graduate students and one post-doctoral students at the University of Cincinnati for electrowetting module fabrication and development, 2.5 Motorola engineers and one Motorola technician for printed electronics development, module fabrication, and housing integration, and one Sun Chemical scientist for advanced pigment development. This is intended as a two year federal research project under the Army's R&D R–1 account, line 3 ''University Research Initiative,'' to initiate an Adaptive Camouflage Surfaces R&D Program at the University of Cincinnati.

The Smart Machine Platform Initiative is listed under account 179 0708045A, End Item Industrial Preparedness Activities for $4,000,000 million. The project is requested by TechSolve Inc, located at 6705 Steger Drive, Cincinnati, OH 45237. Smart Machine Platform Initiative will advance the state of the art in manufacturing and fabrication of components for weapons systems and reduce cost and cycle time. The vision for this requirement is the addition of intelligence to the machining process. The project will provide $4 million in the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, under PE#0708045, Line 179—End Item Industrial Preparedness Activities, only for the Smart Machine Platform Initiative. Zero (0)% matching funds are listed because the Smart Machine Platform Initiative is a Research and Development Activity.

EARMARK DECLARATION

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. BONNER. Madam Speaker, I submit the following:

Project Name: Low Cost Multi-Channel Camera System.

Requesting Member: Congressman JO BONNER.

Bill Number: H.R. 2638.

Account: RDT&E, U.S. NAVY, ASW Systems Development (R/1 Line: 29, PE: 0603254N).

Legal Name of Requesting Entity: Radiance Technologies, Inc.

Address of Requesting Entity: 775 North University Blvd, Suite 250, Mobile, AL, USA.

Description of Request: $2,400,000 will be utilized to design, assemble and demonstrate a low cost multi-channel camera system to detect and track diesel submarines as well as provide the ability to detect, track and identify marine mammals. Diesel submarines, like the ones used by countries in the Middle East, Far East and South America, are quiet, air independent and are difficult to detect using current cold war era radar and acoustic system technology. Beyond the need for enhanced submarine detection, current Naval testing of active acoustic systems has been deemed to threaten certain marine mammals. As a result, the NAVY's ability to conduct certain types of testing and training has been curtailed. This restriction reduces the NAVY's ability to protect U.S. fleets from observations by foreign submarines and direct threats. This technology will provide capabilities to fly exercise areas prior to acoustic testing or training to ensure that adjacent waters are clear of marine mammals.

Of the funds provided, $396,000 [or 16.5%] is for channel selection analysis, electronic and mechanical engineering and multi-channel sensor fabrication and integration; $720,000 [or 30.0%] for multi-channel sensor fabrication and integration, and design and implementation of automatic calibration and registration algorithms; $276,000 [or 11.5%] for purchase and integration of digital data recording system, and experimental data collection tests to support algorithm development; $808,800 [or 33.7%] for design, development, and implementation of automatic recognition algorithms and automatic reporting software for data dissemination to ASW assets; $199,200 [or 8.3%] for system demonstration and acceptance testing.

Project Name: Fourteen Mile Bridge in Mobile, Alabama.

Requesting Member: Congressman JO BONNER.

Bill Number: H.R. 2638.

Account: Coast Guard/Alteration of Bridges.

Legal Name of Requesting Entity: United States Coast Guard.

Address of Requesting Entity: 470 L'Enfant Plaza East, SW, Room 7110, Washington, DC, 20024–2135.

Description of Request: Request is for funding for construction of a 14 mile railroad bridge replacement declared for alteration by the Commandant of the USCG. Fourteen Mile Bridge is a navigational hazard and bottleneck due to age and outdated design. It is an impediment to safe and efficient navigation for shippers on the Tombigbee Waterway and into the Nation's inland waterway system. Engineering and design is completed, but the construction account has only been partially funded. The Coast Guard estimates the total project cost to be $75.5 million ($69.8 million federal share); $48.4 million has been appropriated. Request is for additional funding of the construction account.

EARMARK DECLARATION

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. LAMBORN. Madam Speaker, Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of S. 3001, the FY09 Duncan Hunter National Defense Authorization Act:

Requesting Member: Congressman DOUG LAMBORN, CO–05.

Bill Number: H.R. 5658.

Account: 3600F RDT&E, Air Force, Line 13, PE 0602601F.

Legal Name of Requesting Entity: Aeroflex.

Address of Requesting Entity: 4350 Centennial Blvd. Colorado Blvd, Colorado Springs, CO 80907.

Description of Request: $2 million is included in this bill for Radiation Hardened Non-Volatile Memory. This request is intended to aide in the development of radiation hardened non-volatile memory technology to be used in a variety of applications, principally satellites.

Requesting Member: Congressman DOUG LAMBORN, CO–05.

Bill Number: H.R. 5658.

Account: RDTE, AF.

Legal Name of Requesting Entity: Goodrich Corporation.

Address of Requesting Entity: 1275 North Newport Road, Colorado Springs, CO 80916.

Description of Request: $6 million is included in this bill to fund ACES 5 ejection-seat development and testing for the Air Force-variant F–35 to enable insertion into F–35 LRIP to leverage the most capable and safest ejection seat ever developed and ensure that the U.S. preserves the domestic capability to produce vital life saving ejection seat systems for the Air Force.

Requesting Member: Congressman DOUG LAMBORN, CO–05.

Bill Number: H.R. 5658.

Account: RDT&E.

Legal Name of Requesting Entity: Analytical Graphics, Inc.

Address of Requesting Entity: 7150 Campus Drive, Suite 260, Colorado Springs, CO.

Description of Request: $1 million is included in this bill to incorporate space object data, improve navigation accuracy prediction, including jamming and weapons modeling, and integrate electronic warfare (EW) analysis into a common operational environment for Army support teams. The user friendly interface will couple real time data integration with currently deployed and supported data feeds, including imagery, terrain, GPS status, electronic warfare environment, and terrestrial weather.

Requesting Member: Congressman DOUG LAMBORN, CO–05.

Bill Number: H.R. 5658.

Account: Research, Development, Test & Evaluation, Air Force.

Legal Name of Requesting Entity: Finmeccanica of North America.

Address of Requesting Entity: 1625 Eye Street NW, Floor 12, Washington, DC 20006.

Description of Request: $1 million is included in this budget to demonstrate and qualify in a cold climate an innovative, energy efficient, alternative power technology, on an energy intensive Air Force installation. Utilizing tactical or readily available fuels, this first phase of qualifying will place a next generation power generator in a military environment while showcasing all the benefits, monetary, environmental, and technical this technology can provide within various scenarios, such as ''Silent Camp'' or ''Islanding''.

EARMARK DECLARATION

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. SESSIONS. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Requesting Member: Congressman PETE SESSIONS.

Bill Number: H.R. 2638.

Account: Defense, Navy, RDT&E; Manned Reconnaissance Systems.

Legal Name of Requesting Entity: L–3—Geneva Aerospace.

Address of Requesting Entity: 4240 International Parkway Carrollton, Texas 75007.

Description of Request: I received an earmark of $2,400,000 for the Unmanned Force Augmentation System, UFAS, project which supports research, development and testing of advanced Unmanned Aerial Systems, UAS, technologies. Specifically, $1,600,000 is for engineering; $400,000 is for materials procurement; and $400,000 is for field testing. The program is intended to facilitate the rapid transition of Unmanned Aerial Vehicle, UAV, systems to the warfighters that offer order-of-magnitude improvements in usability, capability, and, hence, operational effectiveness.

Requesting Member: Congressman PETE SESSIONS.

Bill Number: H.R. 2638.

Account: Defense, Army, RDT&E; Advanced Weapons Technology.

Legal Name of Requesting Entity: Jim G. Ferguson, Inc.

Address of Requesting Entity: 4727 Cherokee Trail Dallas, Texas 75205.

Description of Request: I received an earmark of $1,600,000 to design, develop, and construct a cross-scale airship serving as a platform / test-bed for airborne and space sensor technology development, demonstration and testing. Specifically, $416,000 is for management, $832,000 is for technical and engineering, $96,000 is for administration, $96,000 is for patent maintenance and development, $80,000 is for legal, and $80,000 is for travel. The airship will also provide a low cost solution to the military need to rapidly and economically transport very large, very heavy and outsized cargos strategic distances in support of global military surge, support and logistical operations.

Requesting Member: Congressman PETE SESSIONS.

Bill Number: H.R. 2638.

Account: Defense, Army, O&M; Central Supply Activities.

Legal Name of Requesting Entity: PulseTech Products Corporation.

Address of Requesting Entity: 1100 South Kimball Ave. Southlake, Texas 76092.

Description of Request: I received an earmark of $800,000 to provide battery maintenance management systems that incorporate pulse technology to increase equipment readiness, reduce hazardous material/environmental waste and reduce operating costs. Among these systems are rolling chargers for motor pool operations, pallet chargers for use in battery shops throughout the Army, and solar chargers for on-vehicle applications when vehicles are stored for extended periods of time. PulseTech will continue, at no cost to the government, to offer battery management training.

Requesting Member: Congressman PETE SESSIONS.

Bill Number: H.R. 2638.

Account: Defense, Army, RDT&E; Medical Technology.

Legal Name of Requesting Entity: National Neurovision Research Institute.

Address of Requesting Entity: 11435 Cronhill Drive, Owings Mills, MD 21117-2220.

Description of Request: I received an earmark of $800,000 funding to continue its expansion and operation of the ''National Eye Evaluation and Research Network'', NEER Network. This Network was established to enhance and accelerate military and civilian patients' accessibility to specialized centers for evaluation of serious eye diseases affecting the retina and facilitate their rapid referral for treatment and possible participation in research studies and clinical trials. The budget breakdown shows that $104,853 will be spent on the National Neurovision Research Institute's budget which will include materials and supplies, travel and salaries. Another $648,766 will be spent on the Clinical Trial and Evaluation Units which will be used to study the inherited orphan retinal degenerations of the eye. The remaining $46,381 will be used for contracts and medical review boards.

A TRIBUTE TO RAMONA RIPSTON, EXECUTIVE DIRECTOR OF THE ACLU OF SOUTHERN CALIFORNIA, ON THE OCCASION OF THE DEDICATION OF ITS NEW HEADQUARTERS NAMED IN HER HONOR

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Ms. ROYBAL-ALLARD. Madam Speaker, I rise today to recognize the American Civil Liberties Union of Southern California and its executive director, Ramona Ripston, on the occasion of the dedication of the organization's new headquarters building in Los Angeles. Located in my congressional district at 1313 West 8th Street, the new facility is aptly being named the Ramona Ripston Center for Civil Liberties and Civil Rights in honor of this remarkable woman who has graced the organization's helm for 36 years.

As the festivities get underway to commemorate the ACLU of Southern California's proud 85 years of hard work enforcing the

promise and vision of our nation's Constitution in Los Angeles and throughout Southern California, it comes as no surprise that the focus of this grand occasion is also upon Ramona Ripston.

During her lengthy tenure as executive director of the ACLU of Southern California, Ramona Ripston has earned a distinguished record of achievement.

Ms. Ripston was named the executive director of the ACLU of Southern California and the ACLU Foundation of Southern California on September 1, 1972, becoming the first woman to direct the activities of a major ACLU affiliate. She is responsible for all phases of the organization's programs, including litigation, lobbying and education.

During her tenure as executive director, Ms. Ripston has steered the ACLU/SC to regional and national prominence. Under her leadership, the affiliate's staff has expanded from six to nearly 60, and its annual budget has grown to $6 million. She helped foster ties between the affiliate and some of Hollywood's most prominent figures, including Burt Lancaster, Barbara Streisand, Rob Reiner, Norman Lear, James Whitmore, Camryn Manheim and Rick Nicita. Meanwhile, the ACLU/SC has become a respected voice on crucial issues ranging from freedom of speech and racial equality to immigration, homelessness and abuses by law enforcement.

In August 2006, the Los Angeles Times named Ms. Ripston as one of the 100 Most Powerful People in Southern California. For six years, she served as a member of the California Commission on Judicial Performance. She has been a visiting lecturer for the UCLA Political Science Department, hosted a talk radio program for KABC, and served on the board of directors of the First Amendment Foundation and the Office of the Americas. In 2005 Ms. Ripston was appointed to the Los Angeles Homeless Services Authority Commission by Mayor Antonio Villaraigosa. She also serves as a member of the national ACLU's Pension Committee and the Endowment Policy Committee.

Ms. Ripston was a founding member of Death Penalty Focus, and was honored with that group's Abolition Award for 2003. In 2006, she received the Rosa Parks Social Justice Award from the Martin Luther King Legacy Association. She was awarded the William J. Brennan, Jr. Civil Liberties Award in 1991 by the Center for Human Rights and Constitutional Law. The Western Society of Criminology presented her with the 1980–81 June Morrison Founder's Award, given yearly to a noncriminologist who makes an outstanding contribution to justice in the criminal justice system. Ms. Ripston also has been honored by a number of other organizations and entities, including Women in Communication, the Southern Christian Leadership Conference, the People's College of Law and the Los Angeles City Council.

She has written and spoken extensively on the rights of women—including reproductive freedom—as well as the Voting Rights Act, the rights of the accused, poverty, homelessness, national security, civil liberties, police, the Constitution and the First Amendment, including censorship. She has lectured at a number of law schools, including Harvard, Yale and UCLA.

Madam Speaker, I ask my colleagues to please join me in congratulating Ramona Ripston on her three decades of outstanding service to the community as head of the American Civil Liberties Union of Southern California. As we celebrate the opening of its new headquarters building, I extend to her, and everyone at the organization, my very best wishes for many more years of success ahead protecting the cherished freedoms we all enjoy in our great Nation.

EARMARK DECLARATION

HON. RICK RENZI

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. RENZI. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding two earmarks I received as part of Senate amendment to the bill (H.R. 2638) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008:

1. Account: Operations and Procurement, Air Force (OP,AF).

Legal Name of Requesting Entity: DRS Electronic Warfare and Network Systems.

Address of Requesting Entity: 485 Cayuga Road, Buffalo, New York 14225.

Other Requestors: Reps. BERKLEY, HIGGINS and Sens. REID, SCHUMER.

Description of Request: An appropriation would be used for the upgrade and modernization of three (3) remaining Unmanned Threat Emitters (UMTE) system located at the Nellis Test and Training Range (southern range 62/63) in Nevada. The upgrade of the UMTE systems takes advantage of mature electronic warfare threat simulation technology and will result in more realistic training, increased aircrew survivability while providing substantial O&M savings.

The current unmodified UMTE systems have shortcomings that negatively impact aircrew training and survivability. The upgrades to the systems modernize the technologies contained therein and provide reactive capabilities which resemble real world surface to air missile and anti-aircraft artillery threats. At the same time the systems are refurbished thus providing a life extension to the equipment, they are connected remotely to Range Control Centers to provide better control and less manpower (O&M savings) and the systems are mobilized to resemble the real threat mobility thereby allowing time sensitive reactions to them. The UMTE's at the Eielson AFB have undergone similar upgrades with connectivity to the control centers with great success within the Air Force. This program continues to take advantage of those advancements across the board with Air Force EW aircrew training and intends to finish the modernization plans for UMTE at Nellis.

2. Account: Research, Development, Training, and Evaluation, Army (RDTE–A).

Legal Name of Requesting Entity: Southwest Gas Corporation.

Address of Requesting Entity: 5241 Spring Mountain Road, Las Vegas, NV 89146.

Other Requestors: Reps. BERKLEY, PASTOR, PORTER, GRIJALVA, and Sen. REID.

Description of Request: In FY2006, Congress initiated a $1.8 M demonstration program for the GEDAC technology at six military facilities in Arizona, Nevada, and California (Luke Air Force Base, Davis-Monthan Air Force Base, Nellis Air Force Base, Barstow Marine Logistical Station, Yuma Marine Air Station and Fort Huachuca Army Garrison). In FY2008, Congress appropriated $1.2 M to continue the Gas Engine Driven Air Conditioning (GEDAC) demonstration program. With the FY2008 funds, and in partnership with the participating military installations and program manager, the Army's Construction Engineering Research Laboratory (CERL), GEDAC units with improved applications and configurations will be installed and demonstrated.

FY 2009 funding would be used to continue the stringent 10-ton GEDAC field tests at four military installations. Additionally, a portion of the funds would be used to develop and demonstrate the new 15-ton GEDAC system, which has widespread applicability on military installations. The demonstration of the 10-ton GEDAC and development and subsequent demonstration of the 15-ton GEDAC system will help address greenhouse gas reductions as well as meet the need for long term efficiency gains on military installations where electricity and electric peak demands are critical.

Energy savings of as much as $2500 per unit will accrue, enabling installations to meet their energy reduction goals while reducing use of electricity during peak usage (security benefits). Additionally, water savings will accrue and the systems will help bases meet their new environmental goals under Executive Order 13423 and will pave the way for self contained units that contribute to the electricity needs on these bases.

EARMARK DECLARATION

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. SESSIONS. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Requesting Member: Congressman PETE SESSIONS.

Bill Number: H.R. 2638.

Account: Defense, Army, RDT&E; Night Vision Advanced Technology.

Legal Name of Requesting Entity: Optex Systems (subsidiary of Irvine Sensors Corp.)

Address of Requesting Entity: 1420 Presidential Drive Richardson, Texas 75081.

Description of Request: I received an earmark of $800,000 for the InfraRed Goggle Upgrade System (IRGUS) which is a miniature system that adds thermal imagery to standard issue Night Vision Goggles. Specifically, $400,000 is for the design for unit production cost, $100,000 is for production readiness, and $300,000 is for Block 1 build, integration, and testing. This technology allows legacy NVGs to be upgraded to provide fused thermal/Image Intensification (I^2) imagery for improved threat detection, target identification, and situational awareness in low or no light or obscured battlefield conditions.

EARMARK DISCLOSURE

HON. MIKE FERGUSON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. FERGUSON. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 2638, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009:

1. Micro Electrical Mechanical Systems (MEMS) Technology and Plastic Armor.

Applications Account: Army Research, Development, Test and Evaluation.

Legal Name of Requesting Entity: Picatinny Arsenal.

Address of Requesting Entity: Picatinny Arsenal, Picatinny, NJ 07806–5000.

Description of Request: Funding in the amount of $1.6 million will be used by Picatinny Arsenal in collaboration with Bell Laboratories and the New Jersey Nanotechnology Consortium for research and development of body armor materials using nano technologies, Micro Electrical Mechanical Systems (MEMS) and new plastic armor composites. The development of MEMS technology focuses on lightweight, low power technologies that enable the implementation of new capabilities in current armament and equipment as well as next generation solutions for the war fighter.

2. Strattice Dermal Matrix Research.

Account: Army Research, Development, Test and Evaluation.

Legal Name of Requesting Entity: LifeCell Corporation.

Address of Requesting Entity: One Millenium Way, Branchburg, New Jersey 08876–3876.

Description of Request: Funding in the amount of $2.4 million will be used for research and development of skin graft technology, with the goal of developing an off-the-shelf transplantable graft from porcine tissue for combat casualties with full-thickness burns and other skin and dermal deficits. The project is a 3-year research and development program seeking to evaluate the potential for grafting of the scaffold onto full-thickness dermal wounds with full integration and regeneration of intact skin. This scaffold will provide a platform technology for development of other products for repair of tissue loss, meeting significant unmet medical needs in both military and civilian trauma.

EARMARK DECLARATION

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. KNOLLENBERG. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication regarding earmarks I received as part of H.R. 2638, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act for Fiscal Year 2009. The information provided for each earmark consists of the recipient, name of the project, account, funding level, and the justification for the use of taxpayer dollars.

Requesting Member: Representative JOE KNOLLENBERG (R–MI).

Bill Number: H.R. 2638 (Division C).

Account Information: Army RDTE Line 33.

Name of Earmark and Amount Listed in the Report: Diminishing Manufacturing Sources and Material Shortages Case Resolution Program—$2.4 million.

Legal Name and Address of Receiving Entity: Automation Alley, 2675 Bellingham, Troy, Michigan 48083.

Earmark Description: The program will significantly reduce the Tank-Automotive and Armaments Life Cycle Management Command's (TACOM LCMC) total ownership costs for weapons systems sustainment by using a center for directing the researching of diminishing manufacturing sources and material shortages (DMSMS) cases affecting TACOM LCMC, designing engineering solutions for cases, and testing alternatives for obsolete parts and higher-level assemblies. Automation Alley will research and develop a new process of alleviating the DMSMS problem by providing an efficient location of companies willing and able to re-engineer, test, evaluate, and manufacture obsolete components and thereby reduce cost to TACOM LCMC who must resolve these issues. This work will be managed daily in the form of an off-base industry outreach office with Automation Alley engineers and members of the TARDEC DMSMS team interacting with industry on a five-days-a-week basis for approximately five years based on funding levels. The funding will be used for engineering personnel, engineering research, and operations and overhead.

Requesting Member: Representative JOE KNOLLENBERG (R–MI).

Bill Number: H.R. 2638 (Division C).

Account Information: Army RDTE Line 33.

Name of Earmark and Amount Listed in the Report: End-to-End Vehicle Survivability Technology—$1.6 million.

Legal Name and Address of Receiving Entity: Badenoch, LLC., 1040 East Maple Road, Suite 101, Birmingham, Michigan 48009.

Earmark Description: The focus of the program is to build a lightweight, survivable tactical wheeled vehicle demonstrator showcasing advanced materials and manufacturing techniques that will enable low-cost, high volume production of future systems. In addition to addressing all seven forensic causes of death and serious injury, the demonstrator will be difficult to see or hear, have a low acquisition signature, and be highly maneuverable. The vehicle will comprehensively address the challenge of tactical vehicle survivability. Nontraditional techniques and personnel from the automotive and motor racing world will be employed to optimize solutions to this complex problem. Common threat modalities will be evaluated along the end-to-end chain from the energetic event to the human physiology using best practices in modeling and physical testing. Thus, the program will leverage the best techniques available and establish a generalized, comprehensive, durable methodology for evaluating vehicle survivability. The funding will be used for engineers and material and other development costs.

Requesting Member: Representative JOE KNOLLENBERG (R–MI).

Bill Number: H.R. 2638 (Division C).

Account Information: Army RDTE Line 30.

Name of Earmark and Amount Listed in the Report: National Oncogenomics and Molecular Imaging Center—$3.2 million.

Legal Name and Address of Receiving Entity: Barbara Ann Karmanos Cancer Institute, 4100 John R., Detroit, Michigan 48201.

Earmark Description: This project will develop technology to diagnose human cancer by defining oncogene signatures which characterize cancers in patients. Karmanos Cancer Institute will provide imaging technology capable of greatly improving detection of genes that cause cancer and measure treatment response. The goal of this collaborative research under the U.S. Army Medical Research and Material Command is to develop and implement the technology to perform sophisticated molecular-etiologic diagnostics in human cancer tissue, and to use that information to identify new cancer targets and make far better predictions regarding a cancer patient's response to molecular targeted therapies. The funding will be used for genomics equipment, model costs, computing and bioinformatic, salaries for lead scientists and research support personnel, patient imaging equipment, and animal imaging equipment.

Requesting Member: Representative JOE KNOLLENBERG (R–MI).

Bill Number: H.R. 2638 (Division C).

Account Information: Army RDTE Line 33.

Name of Earmark and Amount Listed in the Report: Hydraulic Hybrid Vehicles (HHV) for the Tactical Wheeled Fleet—$800,000.

Legal Name and Address of Receiving Entity: Bosch Rexroth Corporation, 2730 Research Drive, Rochester Hills, Michigan 48309.

Earmark Description: This program will significantly reduce target vehicle consumption with consequent cost savings and reduction logistic footprint. Reduction in brake wear will reduce maintenance, replacement costs and vehicle downtime. Improved acceleration will improve performance, mobility and load capacity, particularly when TWVs are fitted with improved crew protection. Concept demonstration tests indicate fuel savings up to 60 percent can be achieved. Targeted end result is implementation into full range of TWV including JLTV variants. The funding will be used for design and development of a hybrid system, engineering and labor, operations and overhead, materials including hybrid system hardware, and testing.

Requesting Member: Representative JOE KNOLLENBERG (R–MI).

Bill Number: H.R. 2638 (Division C).

Account Information: Navy RDTE Line 5.

Name of Earmark and Amount Listed in the Report: Standoff Explosive Detection System (SEDS)—$1.6 million.

Legal Name and Address of Receiving Entity: BOSSdev, Inc. 700 Tower Drive, Suite 500, Troy, Michigan 48098.

Earmark Description: This program will support a U.S. Navy/Marine Corps research and development project to develop a mobile, vehicle-mounted, improvised explosive device (IED) detector that will be able to quickly and safely detect the explosives in a buried IED from a standoff distance of 20 meters or more in front of a moving vehicle. This project, called the Standoff Explosives Detection System (SEDS), is based on a proven sensing technology known as Thermal Neutron Activation Analysis. In summary, the system will utilize a scanning thermal neutron beam to stimulate the nitrogen in buried or concealed explosives causing the nitrogen to emit gamma

rays. In turn, the gamma rays emitted from the explosives will be detected by a gamma ray telescope that is incorporated into the detector system. The SEDS will also include advanced safety technologies such as smart video to protect bystanders and U.S. military personnel from effects of the neutron beam.

Requesting Member: Representative JOE KNOLLENBERG (R–MI).

Bill Number: H.R. 2638 (Division C).

Account Information: Navy RDTE Line 16.

Name of Earmark and Amount Listed in the Report: Mobile Manufacturing and Repair Cell/Engineering Education Outreach Program—$2.4 million.

Legal Name and Address of Receiving Entity: Focus: HOPE, 1355 Oakman Blvd., Detroit, MI 48238.

Earmark Description: The purpose of this program is to attract, train and educate technicians and engineers capable of deploying new critical technologies in support of Navy forces. The funding will be used for research, recruitment, curriculum development, demonstrations, outreach, and administrative costs.

Requesting Member: Representative JOE KNOLLENBERG (R–MI).

Bill Number: H.R. 2638 (Division C).

Account Information: Army RDTE Line 28.

Name of Earmark and Amount Listed in the Report: Nanofabricated Bioartificial Kidney, Pancreas and Liver—$3.2 million.

Legal Name and Address of Receiving Entity: Innovative BioTherapies, 401 W. Morgan Road, Ann Arbor, Michigan 48108.

Earmark Description: There is a need within the combat theater to provide kidney replacement treatment to casualties that are unstable for transit out of the combat area. Recent technology developed at the University of Michigan and Innovative BioTherapies, Inc. (IBT, Ann Arbor, MI) is miniaturizing renal cell therapy devices which have been demonstrated in Phase II clinical studies to reduce mortality of intensive care unit patients with acute renal failure by 50 percent. This program will lead to a completely portable bioartificial kidney for complete kidney replacement therapy in military field hospitals and fixed-wing aircraft for the treatment of severe combat casualties. This program will also develop miniaturized liver cell devices for the acute and chronic treatment of liver failure with bioartificial liver devices. The funding will be used for research operations and medical equipment.

Requesting Member: Representative JOE KNOLLENBERG (R–MI).

Bill Number: H.R. 2638 (Division C).

Account Information: Army RDTE Line 33.

Name of Earmark and Amount Listed in the Report: Plug-In Hybrid Vehicle Electrification Program—$3.2 million.

Legal Name and Address of Receiving Entity: NextEnergy Center, 461 Burroughs, Detroit, Michigan 48202.

Earmark Description: The NextEnergy Center will work with the U.S. Army National Automotive Center to develop and deploy Smart Plug-In Hybrid Vehicle (PHEV) technology that provides new capability to manage power distribution and reduce Department of Defense (''DoD'') fuel consumption using both conventional generation, renewable generation, and vehicles with exportable electric power. A smart PHEV will supplement electrical power generation and reduce emissions by the vehicle fleet. Funding will support initial development and testing of two systems, components and infrastructure, as well as demonstrate PHEV capability for vehicle to building/grid communication. The funding will be used for laboratory expenses, testing and reports, prototype (Vehicles and systems), labor and overhead, and equipment and material.

Requesting Member: Representative JOE KNOLLENBERG (R–MI).

Bill Number: H.R. 2638 (Division C).

Account Information: Army RDTE Line 14.

Name of Earmark and Amount Listed in the Report: Globally Accessible Manufacturing and Maintenance Activity—$1.6 million.

Legal Name and Address of Receiving Entity: POM Group, Inc., 2350 Pontiac Road, Auburn Hills, Michigan 48326.

Earmark Description: The program entitled ''Globally Accessible Manufacturing and Maintenance Activity (GAMMA)'' will develop rapid, precision Direct Metal Deposition (DMD) technology, combined with current materials removal technology, using the same (single) laser platform which will provide a quantum leap in force readiness and significantly impact the U.S. economy by greatly reducing the time of making complex, 3–D shaped components for dual-use applications. In addition, GAMMA will greatly enhance the currently fielded U.S. Army effort called the Mobile Parts Hospital (MPH) where modules are deployed to remote locations to fabricate metal parts on site from bar stock. Incorporation of the DMD technology would eliminate the need for the bar stock $60 billion inventory. The funding will be used for design, factory testing, and validation practices.

Requesting Member: Representative JOE KNOLLENBERG (R–MI).

Bill Number: H.R. 2638 (Division C).

Account Information: Army RDTE Line 33.

Name of Earmark and Amount Listed in the Report: Light Weight Medical Evacuation Vehicle—$1.6 million.

Legal Name and Address of Receiving Entity: Rae-Beck Automotive, 1200 W. Hamlin Road, Rochester Hills, Michigan 48309.

Earmark Description: The project will design and develop an internally transportable vehicle which provides a fully integrated medical support system designed to accommodate three-four litters to assist our troops. The vehicle will provide force protection capability, via armoring, and/or supply add-on armor, which is currently a critical need. The vehicle will be engineered, built ready for testing within 12 months and answers the requirement document of Family of Internally Transportable Vehicles ORD. The medical variant vehicle will be suited for missions requiring speed, cover, concealment, and agility. The funding will be used for the construction and build of a full working demonstrator, engineering cost, and program management and administrative cost.

Requesting Member: Representative JOE KNOLLENBERG (R–MI).

Bill Number: H.R. 2638 (Division C).

Account Information: Army RDTE Line 13.

Name of Earmark and Amount Listed in the Report: Condition Based Maintenance for Mission Assuredness for Ground Vehicles—$2.4 million.

Legal Name and Address of Receiving Entity: Ricardo, Inc., 40000 Ricardo Drive, Van Buren Township, Michigan 48111.

Earmark Description: The program will develop computer co-simulation tools for computer testable ''virtual'' vehicle designs for optimized ground vehicles. It will also provide military tools to optimize performance, using outputs for true computer based development of prognostics to predict mission success. This research will provide a wider range of ''virtual tests'' and optimize systems' interaction. Using developments from the co-simulation agenda, the development of a computer based onboard prognostics system will save the military billions of dollars by enabling condition based maintenance and being able to know if a vehicle can complete a definable mission successfully and safely. The funding will be used for simulation tools and computer based prognostics.

Requesting Member: Representative JOE KNOLLENBERG (R–MI).

Bill Number: H.R. 2638 (Division E).

Account Information: Army, National Guard.

Name of Earmark and Amount Listed in the Report: Barracks Replacement Phase I, Camp Grayling—$16.943 million.

Legal Name and Address of Receiving Entity: Michigan National Guard, Camp Grayling.

Earmark Description: The funding will replace outdated and substandard barracks. The soldier billeting areas of Camp Grayling were built in increments beginning in the 1950s. These facilities are substandard in terms of construction, function, efficiency, and space. The current facilities do not meet existing fire protection standards, have numerous safety violations and provide inadequate sleeping accommodations for deploying personnel

Requesting Member: Representative JOE KNOLLENBERG (R–MI).

Bill Number: H.R. 2638 (Division E).

Account Information: Army, National Guard.

Name of Earmark and Amount Listed in the Report: Infantry Squad Battle Course, Camp Grayling—$2 million.

Legal Name and Address of Receiving Entity: Michigan National Guard, Camp Grayling.

Earmark Description: Funding will be used for combat leaders to train and evaluate their unit in an outdoor squad tactical movement engagement scenario.

EARMARK DECLARATION

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Ms. GRANGER. Madam Speaker, consistent with the Republican Leadership's policy on earmarks, I submit the following justification for the project I received in the FY2009 Homeland Security Appropriations bill.

Project name (as it appears in the bill): Tarrant County, TX Pre-Disaster Mitigation

Amount received: $1 million

Bill number: FY2009 Homeland Security Appropriations bill

Account: Pre-Disaster Mitigation

Legal name and address of entity receiving Earmark: Tarrant County, 100 E. Weatherford, Fort Worth, TX 76196

Description of how the money will be spent and why the use of federal taxpayer funding is justified: Tarrant County, TX, will use this funding to plan localized flood control and storm water management projects and will bring municipalities under its jurisdiction up to national standards. This flood control and storm water management work is very important for Tarrant County because the west fork

of the Trinity River flows through the county. Enhanced flood control and storm management would positively impact the lives of county residents as well as other Texans that reside downstream on the Trinity River. The funding plan will be adjusted accordingly for whatever final funding level is provided in the agreement.

Description of matching funds: It is my understanding that Tarrant County will provide at of the least 25 percent of the matching funds, as prescribed in FEMA PDM Program Guidance.

EARMARK DECLARATION

HON. TOM FEENEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. FEENEY. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2638, The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act:

I received two projects as follows:

Project 1—Joint Medical Simulation Technology Research and Development Center (JMSTRDC) at 12423 Research Parkway, Orlando, FL 32826, received $1,600,000 from the Research, Development, Test and Evaluation, Army, Line 38 PE 0603015A Next Generation Training and Simulation Systems account. The funds will be used to provide this facility with a new modeling and simulation center to coordinate Army efforts in medical care simulation training. The center will improve medical care for wounded servicemen and women.

Project 2—The Joint Training Integration and Evaluation Center at 12000 Research Parkway, Suite 300, Orlando, FL 32826 received from the Research, Development, Test and Evaluation, Army, Line 104 PE 0604760A Distribution Interactive Simulations account. The funds will be used to provide the facility with a unique asset to leverage with Joint Forces. This center links Joint Forces Command in Virginia with Orlando's modeling and simulation capabilities. This helps to foster development of Department of Defense high fidelity training for war fighters.

EARMARK DECLARATION

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. ALEXANDER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the Congressional Record regarding earmarks I received:

Congressman RODNEY ALEXANDER.

H.R. 2638.

FEMA State and Local Programs.

Tensas Parish Safety Building. The entity to receive funding for this project is Tensas Parish Police Jury, located at 205 Hancock Street, St. Joseph, LA 71366. The $750,000 would be used for constructing a Safety Building across from the Court House.

Congressman RODNEY ALEXANDER.

H.R. 2638.

DHP.

Department of Defense Brain Injury Rescue and Rehabilitation Project (BIRR). $1,200,000 will go to Louisiana State University Health Sciences Center, located at 433 Bolivar, New Orleans, LA 70112. The funding would be applied to the BIRR program allowing it to demonstrate the ability of Hyperbaric Oxygen to repair brains.

Congressman RODNEY ALEXANDER.

H.R. 2638.

AP, N.

Advanced Helicopter Emergency Egress Lighting System. The entity to receive $1,600,000 for this project is Stratus Systems Inc., located at 7976 Highway 23, Belle Chasse, LA 70037. The funding would be used to equip a fleet of H-53 helicopters with safety lights on hatches, handles and overhead. The Helicopter Escape Path Lighting program uses the Advanced Helicopter Emergency Egress Lighting System (ADHEELS) to illuminate the hatches, actuation handles, and now the overhead as well, to an intensity that is visible in underwater conditions, which allows trapped crew to find their way out of the rapidly sinking aircraft. The same escape path lighting is actuated in land crash, assisting the crew in rapid escape from a stricken aircraft. This system is superior in performance, reliability, and logistics support to the 1970's system it replaces. ADHEELS represents a significant improvement in installation, operation, maintenance, performance and reliability at a lower cost. The outstanding advantages derive from the use of an advanced electroluminescent technology which requires no aircraft power and is automatically activated by immersion, crash pulse, or excessive tilt. The Navy has recently equipped all SH-60 series helicopters ADHEELS and the results are a resounding success. The program for the H-53 is underway but needs the addition of overhead lighting also applicable to the H-60. The Naval Air Systems Command will procure and install the ADHEELS in the H-53 series aircraft and in the entire fleet of aircraft as this funding becomes available. Installation kits will be bought for each aircraft and installation accomplished through existing support contracts.

Congressman RODNEY ALEXANDER.

H.R. 2638.

RDTE, A.

Mary Bird Perkins Cancer Center (Note: A Treatment Planning Research Laboratory for High Performance Computing and Radiation Dose Effects). The entity to receive $2,400,000 for this project the Mary Bird Perkins Cancer Center, located at 4950 Essen Lane, Baton Rouge, La 70809. The funding would be used for the development of a Medical Imaging, Treatment, and Treatment Planning Research Laboratory. MBPCC-LSU is supporting the development of a Medical Imaging, Treatment, and Treatment Planning Research Laboratory specifically for monochromatic X-ray beams for use in radiation therapy (e.g. X-ray activated Auger electron therapy) and medical diagnostic imaging. The Department of Defense utilizes this specialty both in the diagnosis and treatment of disease, as well in the research and development of high performance computing, radiation dose, and imaging applications.

Working with DOD, LSU-MBPCC will establish a multi-disciplinary Treatment and Treatment Planning Research Laboratory to study a new technology that offers unique promises for monochromatic X-rays in radiation therapy and diagnostic imaging. Monochromatic X-ray activated Auger electron therapy has been shown in some preliminary studies to increase the effective dose to tumors three to five times, by specifically targeting tissue and its DNA, offering potential for sparing normal tissues to a significant degree. It is also believed to offer the potential of providing full radiation dose to the cancer while achieving a significant reduction in dose to normal patient tissues, thereby reducing the side effects of radiotherapy.

Congressman RODNEY ALEXANDER.

H.R. 2638.

RDTE, A.

Military Nutrition Research: Personnel Readiness and Warfighter Performance. The entity to receive $1,600,000 for this project is the Pennington Biomedical Research Center, located at 6400 Perkins Road, Baton Rouge, LA 70808. The funding would be for ongoing research for military nutrition across all branches of service. This funding is requested for the Pennington Biomedical Research Center for ongoing research to continue the Army's responsibility for military nutrition research across all branches of military service. The work focuses on the improvement of health and performance of the American Armed Forces. PBRC provides laboratory support for the military nutrition division at USARIEM with: (1) analyses of human samples for studies conducted at U.S. Army sites, (2) assessments of energy expenditure and water requirements of soldiers in prolonged field exercise using stable isotopes, (3) nutrition analysis services provided by the nutrient database laboratory, and (4) an imaging center located at PBRC which provides research support for USARIEM and PBRC research studies in nutrient metabolism to sustain readiness and enhance performance.

Congressman RODNEY ALEXANDER.

H.R. 2638.

RDTE, AF.

Cyber Security Laboratory at Louisiana Tech University. The entity to receive $3,000,000 for this project is Louisiana Tech University, located at P.O. Box 10348, Ruston, LA 71272. Cyber Security Laboratory—This $3 million appropriation provides funding for equipping a new Cyber Security Laboratory to support research and educational efforts in cyber security at Louisiana Tech University. This laboratory is a key component of the recently established Center for Secure Cyberspace (CSC), a collaboration between Louisiana Tech University and Louisiana State University. Funding for the CSC, totaling $8 million, has been provided half-and-half from the Louisiana Board of Regents and the two universities. Researchers are developing core research foundations in evolvable sensor hardware/software and corresponding transformational technologies for the early prediction, detection, and control of anomalous behavior in cyberspace. The CSC has built strategic collaborative relationships between national and international academic and industrial partners, and with the Air Force's Cyberspace Command at Barksdale Air Force Base. Funding for the Cyber Security Laboratory will be appropriately allocated to specialized laboratory equipment, lab modifications, and staff support.

Congressman RODNEY ALEXANDER.

H.R. 2638.

RDTE, AF.

Remote Suspect Identification. (Classified)—This $3.2 million appropriation provides funding for the United States Air Force Cyberspace Command and the continued development of RSI algorithms. Funding will be utilized exclusively for research and development costs and well as associated administrative costs.

Congressman RODNEY ALEXANDER.

H.R. 2638.

RDTE, N.

Littoral Battlespace Sensing—Autonomous UUV. The entity to receive $800,000 for this project is C&C Technologies Inc., located at 730 E. Kaliste Saloom Road, Lafayette, LA 70508. The funding would support critical oceanographic data collection and training experience data. Will also continue the use of operational experience to develop metrics for mission planning and personnel requirements to reduce risk and influence future acquisition programs.

Neither I nor my spouse has any financial interest in these projects.

IN RECOGNITION OF GARY ''BUCK'' BARBER

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. WITTMAN of Virginia. Madam Speaker, I rise today to recognize Gary ''Buck'' Barber Jr., a great young man from Nuttsville, VA who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 222 and in earning the most prestigious award of Eagle Scout.

Buck has been active with his troop, participating in many scout activities. Over the many years Buck has been involved with scouting, he has earned 30 merit badges, served as a Patrol Leader, Chaplain's Aide, Senior Patrol Leader, and finally as a Junior Assistant Scoutmaster. Buck was also elected to be a member of the Order of the Arrow, scouting's national camping honor society.

For his Eagle Scout project, Buck coordinated the assembly and distribution of care packages for local service members serving overseas. Buck is currently completing his associate's degree at Rappahannock Community College, and plans to attend the University of Virginia to study mechanical engineering, and later attend medical school to become a surgeon.

Madam Speaker, I proudly ask you to join me in commending Gary ''Buck'' Barber Jr. for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

EARMARK DECLARATION

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Ms. GRANGER. Madam Speaker, consistent with the Republican Leadership's policy on earmarks, I submit the following justifications for projects I received in the FY2009 Defense Appropriations bill.

Project name (as it appears in the bill): AN/AVS-7 Day Heads-Up Display (DayHUD).

Amount received: $5 million.

Bill number: FY 2009 Department of Defense Appropriations Bill.

Account: Aircraft Procurement, Navy.

Legal name and address of entity receiving earmark: Elbit Systems of America, Fort Worth Operations (EFW, Inc.), 4700 Marine Creek Parkway, Fort Worth, TX 76179-6969.

Description of how the money will be spent and why the use of federal taxpayer funding is justified: This product is a day version of the currently fielded night Heads-Up Display for the Aviator Night Vision Imaging System night vision goggles. The Day HUD provides the same aircraft and mission performance data to the pilots as the ANVIS version to give them access to ''time critical'' information while also keeping their eyes on the target or landing zone. The system completes the picture for the aircrew, provides increased safety and reduces the likelihood of mishaps involving brown out or lack of situational awareness by the pilots.

There is no integration required with the product and testing is complete. Funding will directly procure 150 units of system hardware.

Description of matching funds: None required.

Project name (as it appears in the bill): UH-60A Rewiring Program.

Amount received: $5 million.

Bill number: FY 2009 Department of Defense Appropriations Bill.

Account: Aircraft Procurement, Army.

Legal name and address of entity receiving earmark: InterConnect Wiring LLP 5024 west Vickery Blvd. Fort Worth, Texas 76107.

Description of how the money will be spent and why the use of federal taxpayer funding is justified: The requiring of aging UH-60 aircraft will ensure a single, standardized aircraft configuration, reduce extensive maintenance time requirements needed to isolate electronic malfunctions and enhance operational safety due to the age of the wire within the aircraft. Each aircraft will rewire $108,333 in materials and $725,000 in labor to require. At a unit price of $833,333 per aircraft, the requested funds will rewire 6 aircraft.

Description of matching funds: None required.

Project name (as it appears in the bill): NNSA metals Declassification for Reuse by DoD in Armaments.

Amount received: $2.72 million.

Bill number: FY 2009 Department of Defense Appropriations Bill.

Account: Research, Development, Test and Evaluation, Defense-Wide.

Legal name and address of entity receiving earmark: e-PEAK Inc. 311 Diamond Oaks Drive Weatherford, TX 76087.

Description of how the money will be spent and why the use of federal taxpayer funding is justified: A critical Army need is lightweight and specialty metals to support development of advanced armors, vehicles, and weapon systems; however, these metals are extremely expensive. The DOE has a major stockpile of specialty metals recovered from decommissioned warheads. This program delivers a process that allows DOE to safely, securely, and efficiently discard these metals through a unique microwave melting furnace and plasma melting. These advanced melting technologies require additional development to scale them up to meet DOE's unique declassification requirements. The specialty metals can then be provided to the Army at significantly low costs. This program provides technologies that allow for the safe, secure, environmentally sound recovery and reuse of more than one million tons of discarded metals that are currently stockpiled at DOE facilities.

Finance Plan Based on Request:

Facility site selection, permitting, operational safety requirements, support utilities, and other required items (site staffing, training and DOE site requirements): $400,000

Final design, DOE approvals, construction and required certifications for melting systems: $2,400,000

Delivery and operational testing of systems: $600,000

Total Request: $3,400,000

The plan for the project will be adjusted according to the funding level in the final agreement.

Description of matching funds: None required.

Project name (as it appears in the bill): Smart Machinery Spaces System

Amount received: $2.4 million.

Bill number: FY 2009 Department of Defense Appropriations Bill.

Account: Research, Development, Test and Evaluation, Navy.

Legal name and address of entity receiving earmark: Williams Pyro Inc., 200 Greenleaf Street, Fort Worth, Texas.

Description of how the money will be spent and why the use of federal taxpayer funding is justified: Shipboard machinery spaces are currently inspected using a costly manual process. Manual data collection and analyses require significant manpower, and results are often inconsistent. This system supports a smart sensor node, an information systems network, and video-based situational awareness and fire detection capability. Congress provided funds in FY 07 for the Smart Machinery Systems to develop the system which enables condition-based monitoring capabilities combined with improved automatic configuration management. This program fully supports the Navy's January 2007 Naval Science and Technology Strategic Plan, which one of the focus area include Affordability, Maintainability and Reliability. The vision of that focus area was to ''Reduce acquisition and lifecycle cost of Naval Platforms through design tools, reduced maintenance, intelligent diagnostics and automation.'' This program reduces maintenance and lifecycle costs, provides for remote monitoring of the equipment and allows for a reduction in manpower.

Finance Plan Based on Request:

Engineering and labor for the development and completion of the project: $1.9 million.

Subcontracts involving Texas A&M for engineering, testing and support: $980,000.

Supplies, testing facilities and travel/meetings: $120,000.

Total Request: $3,000,000.

The plan for the project will be adjusted according to the funding level in the final agreement.

Description of matching funds: None required.

Project name (as it appears in the bill): MK 19 Crew Served Weapons System trainer.

Amount received: $328,000.

Bill number: FY 2009 Department of Defense Appropriations Bill.

Account: Operation and Maintenance, Army National Guard.

Legal name and address of entity receiving earmark: Texas National Guard, PO Box 5218, Austin, Texas 78763.

Description of how the money will be spent and why the use of federal taxpayer funding is justified: Acquisition of the systems, which provides initial and sustainment marksmanship training, gunnery and tactical training, and ''shoot/don't shoot training,'' will enhance the battle readiness of the Texas National Guard and will aid in the transformation of the Guard into an Operational Force. The requested amount ($410,000) will purchase for the Texas National Guard, 10 trainers ($41,000 per trainer). The plan for the project will be adjusted according to the funding level in the final agreement.

Description of matching funds: None required.

Project name (as it appears in the bill): RC-26B Modernization.

Amount received: $7.2 million.

Bill Number: FY 2009 Department of Defense Appropriations Bill.

Account: Aircraft Procurement, Air Force.

Legal name and address of requesting entity: ATK Integrated Systems, 236 Citation Drive, Fort Worth, TX 76106.

Description of how the money will be spent and why the use of federal taxpayer funding is justified: The RC-26B performs critical intelligence, surveillance and reconnaissance (ISR) missions in support of national disaster response by the Department of Homeland Security (DHS), Customs and Border Protection (CBP), Air National Guard, and in direct support of Special Operations Forces in the GWOT. The Air National Guard (ANG) operates a fleet of eleven RC-26B aircraft that provide support to individual states for disaster relief and counter-drug missions. As the demands for the RC-26Bs proven utility increased, non-availability of the platform due to use in GWOT operations have prevented ANG crews from performing their domestic assigned missions.

Special Operations Command funded the modification of five RC-26B aircraft—to provide ISR missions in support of deployed operations. With five RC-26B aircraft deployed in support of missions outside of the continental United States, an availability vacuum at the state level has occurred. The remaining six RC-26B aircraft (from Mississippi, Arizona, Florida, Texas, West Virginia and New York) are not sufficient to support the disaster relief and counter-narcotics missions of both the ANG and DHS/CBP.

The requested $9,000,000 will be used for concept development, design, integration and flight verification for one aircraft of the following technologies that would enhance the current Block 20 RC-26B performance and effectiveness. The plan for the project will be adjusted according to the funding level in the final agreement.

Description of matching funds: None required.

Project name (as it appears in the bill): Network Centric Collaborative targeting for the P-3C.

Amount received: $3.2 million.

Bill Number: FY 2009 Department of Defense Appropriations Bill.

Account: Aircraft Procurement, Navy.

Legal name and address of requesting entity: L-3 Communications, ComCept Division, 2800 Discovery Blvd, Rockwall TX 75032.

Description of how the money will be spent and why the use of federal taxpayer funding is justified: NCCT is an Air Force program that provides legacy and new ISR assets with transformational networking capabilities. NCCT takes advantage of existing platform sensors which dramatically improves the probability of detection, accuracy of identification, precision location, and timeliness. This integration of newer technologies expands the networking range, thus enabling wider information-sharing and obviating the need for newer sensors. CENTCOM endorsed this technology as one that can solve immediate operational needs. The integration of sensors enabled by NCCT software will provide a low cost, near term option for greatly enhancing US capabilities in Maritime Domain Awareness, Strike Support, and Undersea Warfare. The effect of using existing platforms and sensors as a team allows for target detection, location, and identification against time critical targets and threats, as well as support war fighting and counter-terrorism operations abroad when integrated with US Intelligence and Surveillance and Reconnaissance (ISR) systems.

Finance Plan Based on Request:

Procurement of NCCT Equipment: $250 thousand.

Design, Mission System Integration & Installation of NCCT on MPRA Aircraft: $2.75 million.

Labor, materials, and Support Activities: $1 million.

Total request: $4,000,000.

The plan for the project will be adjusted according to the funding level in the final agreement.

Description of matching funds: None required.

Project name (as it appears in the bill): Vision Integrating Strategies in Ophthalmology and Neurochemistry (VISION).

Amount received: $3.2 million.

Bill Number: FY 2009 Department of Defense Appropriations Bill.

Account: Research, Development, Test And Evaluation, Army.

Legal name and address of requesting entity: UNT Health Science Center, 3500 Camp Bowie Blvd, Fort Worth, Texas 76107.

Description of how the money will be spent and why the use of federal taxpayer funding is justified: The research performed by the VISION team will target the various causes and effects of visual damage resulting from both ocular injuries and eye exposure to the elements during combat operations. This research will ultimately be used to develop compounds and novel therapeutic strategies to more quickly return an injured warfighter to his unit. More significantly, the goal is to have the Services be able to equip warfighters and combat medical personnel with therapy solutions that can be (1) administered preventatively, (2) self-administered or (3) easily deployed and administered in the field. This will enable the effective delivery of therapies that take advantage of the narrow time window that eye injuries have for most effective treatment once the damage has occurred. In addition, the development of effective treatments for these conditions could save the U.S. government hundreds of millions of dollars annually in preservation of combat readiness, improvement of the visual performance of reenlisting soldiers and in reduction of long-term health care related costs.

Finance Plan Based on Request:

Staffing, development of compounds, instrumentation & therapeutic imaging: $1.2 million.

Mass spectrometry: $1.2 million.

Advance computing research: $800 thousand.

Preclinical and translational implementation: $800 thousand.

Total request: $4 million.

The plan for the project will be adjusted according to the funding level in the final agreement.

Description of matching funds: None required.

Project name (as it appears in the bill): Flashlight Soldier-to-Soldier Combat Identification System.

Amount received: $5.6 million.

Bill Number: FY 2009 Department of Defense Appropriations Bill.

Account: Research, Development, Test And Evaluation, Defense-Wide.

Legal name and address of requesting entity: ATR Electronics, Inc., 109 Ridgemont Ave., San Antonio, TX 78209.

Description of how the money will be spent and why the use of federal taxpayer funding is justified: Friendly Fire is a serious problem for the U.S. military and its coalition partners. Friendly Fire casualties occur frequently and weaken the resolve of some coalition partners. Per capita, U.S. Friendly Fire casualties increased 300 percent during the 2003 invasion of Iraq compared to 1991 Desert Storm. Efforts to reduce Friendly Fire casualties through ''doctrine and training'' and ''Blue Force Tracking'' have not succeeded. The Flashlight project equips the soldier with rifle mounted/body worn hardware that immediately identifies friendly soldiers and equipment at the point of engagement. Funds would go toward phase 2 of the development of a bottom-up, rifle mounted/body worn hardware Combat ID capability that reduces U.S. and coalition Friendly Fire casualties and increases combat effectiveness. Follow-on Flashlight antennas can be mounted on platforms (tanks, etc.) and aircraft to create a single-system Combat ID capability that can be integrated into advanced communications systems (FCS). This project develops 10-prototype M4 rifle mounted/body worn devices for military testing in 18-months. The plan for the project will be adjusted according to the funding level in the final agreement.

Description of matching funds: None required.

Project name (as it appears in the bill): Enhanced Holographic Imager (EHI).

Amount received: $2.48 million.

Bill Number: FY 2009 Department of Defense Appropriations Bill.

Account: Research, Development, Test And Evaluation, Army.

Legal name and address of requesting entity: Zebra Imaging, Inc., 9801 Metric Blvd., Suite 200 Austin, TX 78758.

Description of how the money will be spent and why the use of federal taxpayer funding is justified: This is the final phase of a three-year development program to reduce the size and enhance efficiency of the holographic imager system currently used to produce 3D imagery for the Army's Tactical Battlefield Visualization

program. The requested FY09 funds will be administered by the U.S. Army Engineering Research and Development Center (USAERDC) and will complete the EHI development program, with the delivery of a fully-tested prototype of the field-deployable Enhanced Holographic Imager. The Enhanced Holographic Imager (EHI) system is needed by DOD to reduce the time now required to provide 3D imagery to Coalition Forces in Iraq for intelligence and operation planning.

Finance Plan Based on Request:

Complete design of system & lab test prototype: $1.75 million.

Develop & prototype post-processor: $580 thousand.

Construct and test in-field beta prototype: $770 thousand.

Total request: $3.1 million.

The plan for the project will be adjusted according to the funding level in the final agreement.

Description of matching funds: None required.

Project name (as it appears in the bill): Center for Geospatial Intelligence & investigation (GII).

Amount received: $1.52 million.

Bill Number: FY 2009 Department of Defense Appropriations Bill.

Account: Research, Development, Test And Evaluation, Navy (Marine Corps).

Legal name and address of requesting entity: Texas State University, San Marcos, Center for Geospatial Intelligence & Investigation, 601 University Drive, San Marcos, TX 78666.

Description of how the money will be spent and why the use of federal taxpayer funding is justified: The Center for Geospatial Intelligence & Investigation is conducting research of interest to the US military. Recognizing the need for better tools to track down insurgents responsible for kidnapping, maiming, and killing US Forces, allies, and civilians in operations in OIF and OEF, the Army sanctioned the initial stage of this project through the Army Topographic Engineering Center in FY06. This project is designed to assist in counter-IED (improvised explosive devices) efforts having a direct impact on increased safety levels and reduced risk of injury and/or death for U.S. military forces deployed to OIF and OEF. Funds will be used for the next phase of the project supported by the US Marines Systems Command. Employing a cross-disciplinary approach, GII seeks to help military and military intelligence officials build more powerful investigative and analytic tools. This project will continue to develop computer modeling based on insurgent behavioral theories to help extract knowledge from information and data, assisting military officials in predicting insurgent activity areas and bases of operation. Components of the project will focus on suicide attacks, attacks along main supply routes/roads, and the use of specialized technology to depict the ''Behavioral Decision-Making Template'' of insurgents.

Finance Plan Based on Request:

Personnel: $843,520.

Equipment: $414,300.

Other direct costs: $100,000.

Indirect costs: $635,465.

The plan for the project will be adjusted according to the funding level in the final agreement.

Description of matching funds: None required.

Project name (as it appears in the bill): Authorized Emergency Satellite Communication Packages (JISCC).

Amount received: $2.8 million.

Bill Number: FY 2009 Department of Defense Appropriations.

Bill Account: Operation and Maintenance, Army National Guard.

Legal name and address of requesting entity: Texas National Guard, PO Box 5218, Austin, Texas 78763.

Description of how the money will be spent and why the use of federal taxpayer funding is justified: Texas Military Forces is authorized, but not fully funded, for 10 Joint Incident Scene Communication Capability (JISCC) packages needed to support the various disaster command posts including JIATF HQ, each subordinate task force command post, local incident command posts, EOCs, and other multi-agency coordination centers. There are 2 JISCCa on-hand. Funding for this project would procure 8 authorized, but not-funded, JISCC packages required for disaster response. JISCC system uses DoD satellites eliminating the persistent shortage of funds to pay for commercial satellite service. This equipment fully enables the Texas National Guard Joint Inter-Agency Task Force (JIATF) to Command and Control its Inter-Agency structure across the State, or out of State in support of other States under EMAC, best serving as DoD's lead agent for disaster response in Texas.

Finance Plan based on request:

Satellite emergency/interoperable communications packages (x8): $4,091,400111.

Transportation vehicles (x8): $311,200.

Total request: $4.403 million.

Description of matching funds: None required.

Project name (as it appears in the bill): Air Force Plant 4 (AFP 4) Physical Security Enhancements.

Amount received: $2.072 million.

Bill Number: FY 2009 Department of Defense Appropriations Bill.

Account: Other Procurement, Air Force.

Legal name and address of requesting entity: Lockheed Martin Aeronautics Company, 1 Lockheed Blvd., Fort Worth, TX 76108.

Description of how the money will be spent and why the use of federal taxpayer funding is justified: Air Force Plant 4 is a critical Government Owned Contractor Operated (GOCO) Industrial facility dedicated to the design, development, and manufacture of tactical fighter aircraft systems, including the F–16, F–22 and the F–35. Protection of this facility, its human resources, and its unique manufacturing capabilities from determined threats is required in order to reduce the potential for disruption to these critical DoD programs. This project will accomplish the following Physical Security improvements at Air Force Plant No. 4, located in Fort Worth, Texas:

(1) Provide Flight Line Security Enhancements, Air Force Plant 4 (AFP4)—Project will install an inner perimeter fence, and closed circuit video monitoring systems, to restrict unauthorized access to the AFP 4 aircraft operating areas (flight line, run stations, fueling areas). These improvements are required to reduce the security and safety risk to F–16 and F–35 aircraft undergoing final checkout and flight operations. AFP 4 flight line security has been identified as vulnerable during various Government reviews and assessments. $970K

(2) Provide Security Enhancements, Building 200—Engineering & Office Bldg, Air Force Plant 4 (AFP 4)—Project will modify standoff distances or install protective barriers on the north, south and east approaches to Building 200. These modifications are required to meet DoD recommended antiterrorism standards for existing facilities. Bldg. 200 security deficiencies have been identified during various Government reviews and assessments. $1.461M

(3) Install Perimeter Vehicle Barrier System, Air Force Plant 4 (AFP 4)—Project will construct a cable vehicle barrier system in vulnerable areas along the perimeter of the government owned manufacturing facility. This installation will more effectively deter a determined threat to these critical facilities while augmenting the overall hardening of the common perimeter for both AFP 4 and the adjacent Fort Worth NAS-Joint Reserve Base. $3.124M

The plan for the project will be adjusted according to the funding level in the final agreement.

Description of matching funds: None required.

EARMARK DECLARATION

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. BLUNT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 2638.

Requesting Member: Congressman ROY BLUNT.

Bill Number: H.R. 2638.

Account: Army—RDT&E, Medical Advanced Technology.

Legal Name of Requesting Entity: Missouri State University and Crosslink.

Address of Requesting Entity: 524 N. Booneville Ave, Springfield, MO 65806.

Description of Request: $6 million is included in this bill to develop a localized drug delivery system for use on amputee and burn victims who are wounded in combat. Effective localized controlled drug delivery will provide amputees and burn victims the needed pain and healing therapeutics while minimizing the required dosage because the drug will be delivered locally and not systemically. This will aid in reducing chances of developing drug resistance and dependency both of which increase healing time and reduce quality of life. The use of taxpayer funds is justified because there are an estimated 20,000 injuries in Iraq and many amputees are not wearing their prosthetic device due to discomfort resulting from inflammation and infection.

Requesting Member: Congressman ROY BLUNT.

Bill Number: H.R. 2638.

Account: Conventional Weapons Technology Research, Development, Test And Evaluation, Air Force.

Legal Name of Requesting Entity: EaglePicher Technologies.

Address of Requesting Entity: C and Porter Streets, Joplin, Missouri 64802.

Description of Request: $2.4 million is included in this bill for energetic device quality

and reliability improvements using computer aided process control. Virtually every weapon and safety system used by the DoD relies on some type of Energetic Device to function properly. These devices are described as single point failure potentials—which means that if they don't function, then the system fails. Because of the criticality of these functions, the benefit of higher reliability translates into increased mission success and increased safety to the warfighter. In addition, the activities proposed above will lead to decreased manufacturing costs and increased manufacturing productivity for these devices. This will allow for increased throughput in order to support potential surge scenarios. EaglePicher Technologies (EPT) has been manufacturing Energetic Devices since the early 1980's and is proud of the reliability record demonstrated by the use of their devices. EPT seeks to partner with Eglin AFB to raise the reliability of these devices to the next level. EaglePicher proposes to demonstrate unprecedented levels of quality and reliability to this neglected, but critical segment of the defense industry. ustry.

EARMARK DECLARATION

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. WITTMAN of Virginia. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 2638, the Department of Homeland Security Appropriations Act, 2009.

Vehicle Paint Facility, Fort Eustis.

Requesting Member: Congressman ROBERT J. WITTMAN.

Bill Number: H.R. 2638.

Account: U.S. Department of the Army, Military Construction.

Legal Name of Requesting Entity: City of Newport News.

Address of Requesting Entity: 2400 Washington Avenue, Newport News, VA 23607.

Description of Request: Provide $3.90 million to construct a Vehicle Paint Facility at Fort Eustis with paint booths to accommodate the preparation and painting of vehicles, equipment, components, helicopters, and modular causeway sections. This project is required to support the preparation for and painting of approximately 1600 pieces of vehicular equipment. Most of this equipment belongs to the 7th Sustainment Brigade, which is one of the Army's most frequently deployed units. If this project is not provided, Fort Eustis will incur negative mission impacts and will not meet Virginia Environmental Quality requirements. Current painting operations will have an elevated cost because existing facilities cannot accommodate oversized equipment. The facility is critical to rapidly prepare equipment for deploying units in conjunction with time phased deployment schedules. In addition, the Deputy Secretary of the Army (Installations and Housing) certifies that this project has been considered for joint use potential. This request is consistent with the intended and authorized purpose of the U.S. Department of the Army, Military Construction account. There is no matching requirement.

High Power Free Electron Laser Development for Naval Applications.

Requesting Member: Congressman ROBERT J. WITTMAN.

Bill Number: H.R. 2638.

Account: U.S. Department of the Navy, Research, Development, Test and Evaluation.

Legal Name of Requesting Entity: Jefferson Science Associates on behalf of the Thomas Jefferson National Accelerator Facility.

Address of Requesting Entity: 12000 Jefferson Avenue, Newport News, VA 23606.

Description of Request: Provide $2.40 million for the Jefferson Lab High Power FEL Development for Naval Application project, which continues to meet the Navy milestones for increased laser power and systems development for the application of a shipboard system for cruise missile defense. In October 2006, the JLab FEL broke its own record and exceeded the Navy milestone by delivering 14.2 kW of infrared light at a maritime critical wavelength. The FEL project has important directed energy applications. There is no matching requirement. This request is consistent with the intended and authorized purpose of the U.S. Department of the Navy RDTE account.

Marine Corps Base Quantico OCS Headquarters Facility.

Requesting Member: Congressman ROBERT J. WITTMAN.

Bill Number: H.R. 2638.

Account: U.S. Department of the Navy, Military Construction.

Legal Name of Requesting Entity: Member initiated request.

Address of Requesting Entity: 1123 Longworth House Office Building, Washington, DC 20515.

Description of Request: Provide $5.98 million for construction of the Marine Corps Base Quantico Officer Candidate School Headquarters Facility located at Quantico, Virginia. The funding would be used to construct a single-story administrative headquarters building to consolidate Headquarters functions at Officer Candidate School (OCS). The facility will provide workspaces for 75 Marines responsible for coordinating the administrative, educational, operational and logistics support required to conduct Officer Candidate training at OCS. The existing facility was built in 1945 and will be demolished once new construction is complete. Preventive and corrective maintenance, both routine and emergency, take place on a daily basis at the existing facility, consuming material, money and manpower. This project is listed on the USMC FY09 Unfunded Programs List. The entity to receive funding for this project is the United States Navy. The funds will be used for the OCS headquarters construction, technical operating manuals, information systems, anti-terrorism force protection, and supporting facilities (construction features, electrical, mechanical, paving and site improvements, demolition and environmental mitigation). There is no matching requirement. This request is consistent with the intended and authorized purpose of the U.S. Department of the Navy Military Construction account.

Over-the-Horizon Vessel Tracking for Homeland Security.

Requesting Member: Congressman ROBERT J. WITTMAN.

Bill Number: H.R. 2638.

Account: U.S. Department of the Navy, Research and Development.

Legal Name of Requesting Entity: Center for Innovative Technology (CIT).

Address of Requesting Entity: 2214 Rock Hill Road, Suite 600, Herndon, VA 20170–4228.

Description of Request: Provide $800,000 for Over-the-Horizon Vessel Tracking. Over-the-Horizon Vessel Tracking has been a priority for DoD since the 1950s. The Coast Guard plays a key role in force protection and is responsible for protection of Naval assets while in port under a 1995 Memorandum of Understanding with DOD. This project leverages the previous federal investment in the NOAA Integrated Ocean Observing System (IOOS). Labor: $900,000, Equipment and Supplies: $80,000, Travel: $20,000. CIT will provide a 10% match, covering labor, fringe, and indirect costs. This request is consistent with the intended and authorized purpose of the U.S. Department of the Navy Research and Development account.

Training Support Center, Ph 1.

Requesting Member: Congressman ROBERT J. WITTMAN.

Bill Number: H.R. 2638.

Account: U.S. Department of the Army, Military Construction.

Legal Name of Requesting Entity: City of Newport News.

Address of Requesting Entity: 2400 Washington Avenue, Newport News, VA 23607.

Description of Request: Provide $13.60 million to construct Phase I of a multi-phase Advanced Training Technology Support Facility for the U.S. Army Training Support Center at Fort Eustis. Project includes administrative space, special work areas, office support areas, classrooms, conference rooms, storage areas, mailroom functions, and computer/communication space. Supporting facilities include utilities services, UMCS connection, emergency generator, paving, storm drainage, site improvement, communications and fencing. Heating (natural gas) and air conditioning will be by self contained systems. Antiterrorism/Force Protection (AT/FP) measures include laminated glass, traffic control barriers and standard security design features. Access for individuals with disabilities will be provided. Demolish includes limited asbestos abatement. If this project is not provided, fragmented elements of ATSC will continue to occupy structurally deficient temporary facilities and impact Army-wide ATSC Range and support missions. There is no matching requirement. This request is consistent with the intended and authorized purpose of the U.S. Department of the Army Military Construction account.

INTRODUCTION OF THE NURSING HOME EMERGENCY ASSISTANCE ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. PAUL. Madam Speaker, I rise to introduce the Nursing Home Emergency Assistance Act. This act makes private, for-profit nursing homes eligible for the same federal aid as is currently available to public nursing

homes. Under current federal law, only public nursing homes may receive federal disaster assistance. However, hurricanes, tornadoes, and earthquakes do not distinguish between private and public, or for-profit and not-for-profit, nursing homes.

As I have recently seen in my district, all nursing homes face unique challenges coping with natural disasters and their aftermaths. It is not fair to the taxpayers who work in, reside in, or have entrusted the care of their loved ones to, a private nursing home that private nursing homes are denied the same federal aid available to their public counterparts. Madame Speaker, the Nursing Home Emergency Assistance Act ensures all residents of nursing homes can benefit from federal disaster aid. I encourage my colleagues to support this legislation.

EXTENDING THE AUTHORIZATION OF THE NATIONAL FLOOD INSURANCE PROGRAM

SPEECH OF

HON. RON KLEIN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2008

Mr. KLEIN of Florida. Mr. Speaker, I rise to support the reauthorization of the National Flood Insurance Program.

To be clear, there are certainly issues that Congress must address in any future consideration of the flood insurance program. But first and foremost, we must ensure that the NFIP continues to protect our communities.

The NFIP was established to provide homeowners with protection from flood, following recognition that the private market was simply not capable of providing the necessary coverage. The program, which has been operating since 1968, is integral to ensuring that homeowners in high-risk areas, such as my South Florida district, are able to receive adequate protection from flood and are able to swiftly recover following a disaster.

In Broward County, we currently have over 400,000 residential NFIP policies in place—which is more policies than any other county in the nation. Palm Beach County is also near the top of the list with over 150,000 NFIP policies.

The stability provided by the NFIP allows homeowners to responsibly insure their property from flood damage, which is especially important given the active the nature of this year's hurricane season.

It's important to recognize however that the NFIP is only one piece of the larger puzzle of protecting our homeowners from disaster. With the property insurance crisis growing across the U.S., many people are facing difficulties protecting themselves against windstorms. And it is no longer simply a Florida problem, but is becoming a national issue. Policyholders are being dropped or are facing dramatic rate increases in states that are not traditionally considered high risk, such as Massachusetts and New York. Many insurers are no longer writing at all on the coasts of states like Delaware, Maryland, and Virginia.

That is why Congressman TIM MAHONEY and I introduced and passed the Homeowners' Defense Act last year. This legislation addresses the crisis in availability and affordability of homeowners' insurance. It helps states to manage the risk that has been assumed by their state sponsored insurance funds by allowing them to enter the capital markets to find global investors that would be willing to assume that risk on their behalf. Our plan aims to increase market stabilization, particularly in times following natural disasters when rates traditionally increase dramatically and homeowners are dropped from their insurers.

With this legislation having already passed the House, I look forward to working with my colleagues in the Senate to pass our comprehensive plan to help homeowners and stabilize the market.

RECOGNIZING NGO WORK ON ISRAELI-PALESTINIAN PEACE

SPEECH OF

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Ms. WOOLSEY. Mr. Speaker, I want to give a sincere thank you to Representative BARBARA LEE. In this Congress, there is no greater voice for peace than Congresswoman LEE.

I rise today in strong support of this resolution recognizing nongovernmental organizations working to help bring a just and lasting peace to Israelis and Palestinians.

Peace will not be brought about by governments and presidents. Peace will only be achieved when people come together to support a common goal—security and prosperity for all.

More than any conference or summit, the work of local and international NGO's have brought the region closer to a non-violent resolution to the ongoing crisis. Their work is invaluable.

From student exchanges to high level reconciliation programs, NGO's are irreplaceable in the peace process.

I applaud this resolution's commitment to peace and nonviolence and urge my colleagues support today.

COMPREHENSIVE TUBERCULOSIS ELIMINATION ACT OF 2008

SPEECH OF

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2008

Mr. GREEN of Texas. Mr. Speaker, I rise today in support of H.R. 1532, the Comprehensive Tuberculosis Elimination Act of 2008.

If you think that TB is a disease that occurs in impoverished nations you are wrong. In 2007, more than 13,000 individuals were diagnosed with TB in the U.S.

This year alone my district had several TB outbreaks and in May, 150 people were exposed to TB in an outbreak and 19 individuals were diagnosed with TB.

Each year approximately 9 million people develop active TB and 1.7 million die of the disease, making it the second deadliest in the world. Right now one third of the world's population is infected with TB and TB will claim 30 million lives over the next decade.

With time, the TB germ has changed. It is now airborne and drug resistant strains have been found in 46 countries, including the U.S.

In 2006, 91 cases of multi drug-resistant TB were reported in the United States and MDR–TB has been reported in 49 states. From 1993 to 2007, there were 88 cases of extensively drug resistant TB in the U.S., which is resistant to almost all drugs used to treat TB.

Unfortunately, we have allowed the treatment and diagnostic tools to treat TB go without updating for far too long. In fact, the most common test to diagnose TB is more than 100 years old.

The drugs commonly used to treat TB are more than 40 years old, the TB vaccine we currently have is more than 85 years old and only provides some protections against severe TB in children, but is unreliable in protecting against the most common form of adult TB.

The Comprehensive Tuberculosis Elimination Act addresses the issue of domestic TB by improving and increasing efforts to prevent, detect, and treat individuals in our country with TB.

It would authorize grants within the CDC for research, development, and education. These grants include clinical trials to evaluate new drugs, diagnostics and vaccines; studies of at-risk populations; and projects to control TB along the U.S.-Mexico border.

H.R. 1532 will reauthorize the Advisory Council on the Elimination of TB so the council may coordinate federal TB control and develop a new national plan to eliminate TB in the U.S.

H.R. 1532 also provides for new tools in the fight against domestic TB by providing for CDC research and development for new drugs, diagnostics, and vaccines.

The bill also directs the NIH to expand basic and clinical TB research and develop a TB vaccine.

The Comprehensive Tuberculosis Elimination Act provides the means necessary to wage war against TB in the U.S. and hopefully in the future the eradication of TB in this country.

SUPPORTING RESTITUTION FOR PROPERTY CONFISCATED BY NAZI AND COMMUNIST REGIMES

SPEECH OF

HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2008

Mr. WEXLER. Madam Speaker, I rise in strong support of House Concurrent Resolution 371, which supports the fair, comprehensive and immediate restitution of property illegally confiscated during the last century by the Nazis, Nazi-allied governments and Communist regimes.

As many of you know, survivors are in the waning years of their lives, and it is incumbent on Congress and the administration to clearly articulate our unequivocal support, as we have done in previous Congresses, for just and immediate property restitution or compensation.

While there are some nations in Europe that have enacted legislation for the restitution of or compensation for private and communal

property, there remain several that have not passed or implemented legislation.

Congress and the administration must continue to work with and encourage our European allies to rectify historical wrongs and bring a measure of closure for Holocaust Survivors and those individuals who lived under the deadly yoke of Communism.

Despite repeated promises by some governments, Holocaust survivors and heirs have struggled and waited for over six decades to recover their property or receive adequate compensation.

The resolution before us today simply calls on Central and European countries, more specifically Poland and Lithuania, to enact fair, comprehensive and just legislation to allow for restitution of properties that were illegally taken away from citizens and communities during the last century.

With respect to Poland, I want to commend Polish Prime Minister Tusk for his public commitment to introduce property restitution legislation. As the Polish government moves the legislative process forward, it is essential that a claims process be created that is un-bureaucratic, simple, transparent and easy for claimants to use. I urge the Bush administration to continue to directly engage the Polish Government over the coming months and to express their strong support for a claims process that is fair and just for survivors and other claimants.

I urge all of my colleagues to join me in support of this resolution and in support of fair and just property restitution, which is long overdue.

PAUL WELLSTONE AND PETE DOMENICI MENTAL HEALTH PARITY AND ADDICTION EQUITY ACT OF 2008

SPEECH OF

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2008

Ms. LEE. Mr. Speaker, I rise today in support of H.R. 6983, the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act, to require equity in mental health and substance-related disorders under group health plans.

I want to thank Representative PATRICK KENNEDY for his leadership in developing and negotiating the passage of this critical law.

It's also right that this bill be named in honor of Senator Domenici and our friend, the late Senator Paul Wellstone. Senator Wellstone was truly a champion for mental health and this Act honors his memory.

As a former psychological social worker, I appreciate the necessity of mental health parity and the significance of this bill. Many diseases go hand in hand with depression, substance abuse, and a variety of other mental health issues that cannot go untreated.

For example, when a person is diagnosed with cancer or HIV, they and their families go through a range of emotional responses. To treat only the physical signs of illness is to ignore the broad ranging emotional implications of a disease.

Currently, companies can limit both the number of visits that a person makes to a mental health professional in a year and the network of doctors a patient can see, even where no such limit exists for medical or surgical benefits. That is ridiculous.

Disease treatment must provide individuals with the ability to adapt their lifestyle and manage the changes associated with their illness. Whether it is anxiety, stress, or even stigma—the diagnosis of a disease always impacts an individual's mental health. To downplay the necessity of mental health care in treatment is simply counterproductive.

By enacting this bill to require mental health parity, we take a crucial step forward in guaranteeing that our constituents can access the level of health care that they need. I believe however, that fundamentally, we need to move to a universal health care system.

Additionally, the Act prohibits insurance companies from charging different rates for deductibles, copayments, coinsurance, and out-of-pocket expenses for mental health.

These commonsense changes will help expand access to mental health services throughout the country, and I am pleased to support them.

I urge the president to sign HR 6983, the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act and to recognize that mental health care is a crucial tool in promoting the overall health and well-being of the American people.

PAUL WELLSTONE AND PETE DOMENICI MENTAL HEALTH PARITY AND ADDICTION EQUITY ACT OF 2008

SPEECH OF

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2008

Mr. ETHERIDGE. Mr. Speaker, I rise today in support of H.R. 6983, the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008. I applaud your leadership in bringing this bill to the floor and addressing the issue of mental health parity. We must expand access to mental health to ensure a strong and productive America that provides for its most vulnerable citizens. This bill will do just that, without creating an undue hardship on employers or insurers.

The Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act requires those insurers or group health plans who do choose to cover mental health to do so on an equal basis with other covered health needs. This will ensure that those in need can get the treatment that is medically necessary.

My home State of North Carolina was one of the first States to adopt a mental health parity law back in 1991, and last year the State legislature expanded and strengthened its mental health parity provisions. I support the efforts of North Carolina's mental health professionals in bringing this issue to the forefront of our State's agenda, and I am pleased that we are following suit today in passing this bill.

I urge my colleagues to join me in voting for H.R. 6983.

CODE TALKERS RECOGNITION ACT OF 2008

SPEECH OF

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2008

Mr. WU. Mr. Speaker, I am a proud cosponsor and supporter of H.R. 4544, the Code Talkers Recognition Act. I commend Mr. Boren for introducing this important legislation.

We all know that during World War II, Americans from across the country came together and did what they could to defend our Nation. In recent years we have learned more about the efforts of a particular group of people that had an enormous influence in the success of the U.S. military, especially in the Pacific theater—the Native American code talkers.

Code talkers used their native languages to transmit indecipherable messages for the military. Native code talkers were unique because their languages were not widely known by our enemies, let alone many people in the United States. The code talkers' ability to communicate with other tribal members in their own language gave the United States a substantial advantage on the battlefield.

Although more people are now familiar with Navajo code talkers from World War II, that was not the first time that we employed Native American code talkers. The United States also used code talkers in World War I. Their efforts during both wars were critical, and I am glad that we have come to understand and appreciate the value of their contributions.

While all veterans' service is worthy of our thanks, I want to highlight the commitment made by the code talker veterans of World War I because Native Americans were not citizens of the United States until 1924. World War I code talkers were serving our country nobly even before they were recognized as citizens. In fact, Native Americans have served in the military dating back to the revolutionary war, and they have the highest per capita participation in the U.S. military of any ethnic group. It is appropriate we honor their service and sacrifice today.

Congress previously recognized the Navajo code talkers. However, approximately 14 Indian tribes are known to have had tribal members serve as code talkers. Mr. BOREN's legislation would recognize the efforts of all code talkers. I commend his efforts, but more importantly I commend our Native American veterans for their commitment and service to their country. I urge passage of H.R. 4544.

COASTAL AND ESTUARINE LAND CONSERVATION PROGRAM ACT

SPEECH OF

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Monday, September 22, 2008

Mr. CASTLE. Mr. Speaker, today I rise in strong support of the Coastal and Estuarine Land Conservation Program (CELCP) Act, H.R. 1907.

CELCP is a wonderful example of a public/private partnership. I believe strongly in protecting lands currently threatened by the rapid

development across the country and I am so pleased that CELCP is able to make such a valuable contribution to the protection of coastal and estuarine lands, which are considered important for their ecological, conservation, recreational, historical and aesthetic value.

This program provides badly needed federal funds for the purchase and protection of sensitive coastal ecosystems with the goal of better ensuring the ecological and economic health of our coastal communities—this is critical in light of the fact that 60 percent of Americans will live along the coast by 2010.

I have been privileged to work with Representative Saxton and applaud his dedication to formally authorizing this program that Congress has funded since 2003. By establishing a plan for the preservation of our coastal areas, authorizing CELCP will build on the successful Coastal Zone Management Act, and it will continue to encourage partnership programs among federal government, state agencies, local governments, private landowners and non-profits.

CELCP has certainly provided the backbone for strong partnerships in Delaware, through the Nature Conservancy, and DNREC, and NOAA—and I look forward to the continued success of the program.

As we all know too well, protecting open space is particularly important in Delaware, where rapid development is underway. Delaware's CELCP funding totals around $10 million; most recently it has helped ensure that Blackbird Creek, with wetlands, forest, and important species, remains ecologically valuable today and in the future.

I urge my colleagues on both sides of the aisle to join me in supporting H.R. 1907.

HONORABLE STEPHANIE TUBBS JONES COLLEGE FIRE PREVENTION ACT

SPEECH OF

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 22, 2008

Mr. WHITFIELD. Mr. Speaker, as a cosponsor of this legislation, I would like to thank my colleagues and the Education and Labor Committee for allowing this legislation to be considered today. Additionally, I would like to recognize Congresswoman Stephanie Tubbs Jones, who during her five terms in Congress, worked to advance fire safety, particularly on college campuses.

Mr. Speaker, far too many of our nation's young people have been lost to senseless fire tragedies at places where they are supposed to be encouraged to grow and kept safe—their own college campuses. According to the Center for Campus Fire Safety, 94 people have been killed in student housing fires since January of 2000. Sadly, many of these deaths may have been preventable with the help of proper fire safety technology.

This legislation will establish a demonstration incentive program within the Department of Education to promote the installation of fire sprinkler systems, or other fire suppression or prevention technologies. This program is vital to helping ensure that our students are provided the most technologically advanced fire safety equipment. I am confident that this will not only help make colleges safer across the country, but will also save lives.

I urge my colleagues to join me in supporting this bipartisan and important piece of legislation.

TRAIL OF TEARS DOCUMENTATION ACT

SPEECH OF

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 22, 2008

Mr. COLE of Oklahoma. Madam Speaker, I come here in support of H.R. 5335, which would amend the National Trails System Act to provide for the inclusion of new trail segments, land components, and campgrounds associated with the Trail of Tears National Historic Trail. First, I would like to thank my colleague from Tennessee, Congressman WAMP, for sponsoring this important legislation. As an Oklahoman, this legislation is significant to my district, where many of my constituents are descendants of those who survived the Trail of Tears. However, as the only Native American currently serving in Congress this bill is also personally important to me, as my ancestors were forcibly relocated from Mississippi to Oklahoma through the Trail of Tears, though not one of the routes originally documented in the original Historic Trail. Of the dozens of tribes that call Oklahoma home today, very few are originally from the area. Virtually all of the tribes in Oklahoma experienced the tragedy of the forced relocation process.

Mr. Chairman, when the Trail of Tears Historic Trail was created by Congress in 1987, it designated two main routes taken by the Cherokee during the removal process. Historically, many routes used during removal were not well documented at the time and were not included in the designation. Since that time, researchers have identified other routes taken by Native Americans during the relocation process. A feasibility study, ordered by Congress and released in September 2007, did find additional trail segments. This bill, pursuant to the feasibility study, adds additional land components, round up routes and water routes to the Trail of Tears Historic Trail. I am happy to be an original co-sponsor of this legislation.

Not only will these additional designations help to raise awareness about this tragic chapter of our Nation's history, but will provide many across Indian country with better access to their past and collective history. The Trail of Tears crystallized the idea of race as a determining factor in American public policy and documents the first federally legislated forced removal of Native people from traditional homelands. The physical route of the Trail of Tears National Historic Trail and historic sites associated with the Trail and removal reflect the lifestyles of Native people at the time of removal, the harshness of the journey West and their remarkable adaptation to new surroundings. Thousands of Native Americans in Oklahoma and elsewhere will be able to visit these sites and identify with their ancestors' desperate journey westward.

Madam Speaker, though this bill calls awareness to one of the most tragic events in our Nation's history, it also is ultimately a story of survival. The tribes that were relocated have once again established themselves and remain strong. This achievement only helps exemplify the astonishing fortitude of American Indians.

Again, I thank Congressman WAMP for introducing this crucial legislation. As the only Native American currently serving in Congress, I am proud to support the intention of this bill and I urge Members to vote for its passage.

COMMENDING THE HONOR FLIGHT NETWORK

SPEECH OF

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 22, 2008

Mr. MORAN of Kansas. Madam Speaker, I rise today in support of House Resolution 1287.

Several of my colleagues and I have had the honor in recent years of joining former Senator Bob Dole to greet groups of World War II veterans arriving at the World War II Memorial for the first time through a grassroots, nonprofit organization called Honor Flight.

I introduced House Resolution 1287 earlier this year to express our country's appreciation to the Honor Flight Network, its founders Earl Morse of Ohio and Jeff Miller of North Carolina, its volunteers and its donors across the country who make this moving experience possible for our Nation's World War II veterans. By introducing this resolution, I also seek to call attention to this worthy organization in the hope that more of my colleagues as well as those watching and reading at home will support Honor Flight in their communities.

Many World War II veterans are in their 80s and 90s and are unable, physically or financially, to visit our Nation's capital and see the World War II Memorial, which is a beautiful tribute to their service, sacrifice and victory over 60 years ago. We are losing these veterans at a rate of 900 each day. Working against time to say ''thank you,'' Honor Flight uses chartered or commercial flights to enable World War II veterans to see the Memorial created in their honor.

Today, we commend the Honor Flight Network, its volunteers and donors now operating in over 30 States who honor World War II veterans by making it possible for them to experience our Nation's gratitude for their service.

EARMARK DECLARATION

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. CALVERT. Madam Speaker, I have received authorization in the National Defense Authorization Act for Fiscal Year 2009 for two projects in California's 44th Congressional District which are described as follows:

Requesting Member: Congresman KEN CALVERT.

Bill Number: S. 3001.

Account: Standards Development—Research, Development, Test & Evaluation, NAVY.

Legal Name of Requesting Entity: Naval Surface Warfare Center, Corona Division.

Address of Requesting Entity: Naval Surface Warfare Center Corona Division, 2300 Fifth St., Norco, CA 92860.

Description of Request: I have received congressional authorization in the National Defense Authorization Act for Fiscal Year 2009 (NDAA FY09) for a requested project in the amount of $2,000,000. The authorization is for a project which would continue work in the areas of Primary and Depot Maintenance calibration standards. Specifically the work will be done in the technology areas of Nuclear, Biological and Chemical (NBC), electro-optics, and physical-mechanical. The purpose of the work is to ensure measurement accuracy in support and maintenance of new advanced technology weapon systems, current weapon systems and associated support equipment. Specifically, the funding also continues efforts of calibration standards (hardware) in support of Nanoscale Dimensional Standards using Atomic Force Microscopy (AFM). Standards developed through this ongoing program provides continued measurement support and capability to ensure that our nation's advanced weapon systems operate as designed and detectors accurately recognize threats.

Requesting Member: Congressman KEN CALVERT.

Bill Number: S. 3001.

Account: Defense Wide—Research, Development, Test & Evaluation.

Legal Name of Requesting Entity: Center for Nonoscale Science and Engineering, University of California, Riverside.

Address of Requesting Entity: 900 University Avenue, Riverside, California 92521.

Description of Request: I have received congressional authorization in the National Defense Authorization Act for Fiscal Year 2009 (NDAA FY09) for a requested project in the amount of $3,000,000 for 3D-electronics technology. This project aims to take advantage of recent advances in nanomaterials and nanodevices to begin to address the issue necessary to take the electronics industry beyond the two-dimensional silicon based devices and wiring and to develop high density, 3D-electronics technology together with associated packaging, protable power sources and heat dissipation solutions. UC Riverside has substantial expertise in the development of nanomaterials that offer extraordinary properties when properly engineered for these applications. The proposed effort will fund technology development studies in the following five areas: 3D integration of RF and Digital technologies; materials development for thermal management; materials development for 3D wiring; materials development for multi-technology isolation; and development of process equipment for advanced 3D processes and materials manufacturing. The availability of new approaches to very high density electronics and compact power sources that are built from the new generation of nanomaterials will greatly aid the DoD mission in providing advanced electronics and power in the battlefield.

EARMARK DECLARATION

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. BILIRAKIS. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of S. 3001, the Duncan Hunter National Defense Authorization Act:

Requesting Member: Representative GUS M. BILIRAKIS.

Bill Number: S. 3001.

Account: Aircraft Procurement Army.

Names and Addresses of Requesting Entities: Sikorsky Aircraft Corporation, 6900 Main Street, Stratford, CT 06615; Pall Aeropower Corporation, 10540 Ridge Road, New Port Richey, FL 34654.

Description of Request: This earmark provides an additional $5,000,000 to modernize the National Guard H–60 Black Hawk helicopter fleet. The UH–60 Black Hawk helicopter is an essential capability of the National Guard. It provides units in every State with a multi-mission aircraft for search & rescue, utility lift, disaster relief and medical evacuation. The Army National Guard (ARNG) is authorized 782 Black Hawk aircraft but is short of this authorization by almost 100 aircraft. This shortage requires ARNG units to loan or transfer Black Hawks in support deployments, training or state missions, resulting in a higher usage rate of available airframes. Additionally, more than 500 of the 782 National Guard aircraft are older UH–60A models, with an average age of approximately 25 years.

The Army is procuring over 1,200 UH–60M Black Hawks for utility, special operations and MEDEVAC missions to replace the aging UH–60A from operational units by 2016. The Army acquired 33 UH–60M Black Hawks by the end of FY07, and from FY09 to FY13, the Army plans to procure an additional 300 UH–60M Black Hawks (70 of those aircraft are programmed for ARNG units). However, without an accelerated procurement of the UH–60M, the Army National Guard will be operating more than 400 UH–60A helicopters beyond 2020.

The ARNG and the Active Army developed a program to support the continued modernization of the ARNG Black Hawk fleet. Unfortunately, this program is not fully funded. The ARNG plan is to accelerate the fielding of UH–60M Black Hawks by 10 aircraft per year. Although the Active Army has programmed UH–60A recapitalization for the ARNG with Operations and Maintenance (O&M) funds, which includes an airframe life extension, fleet-wide product improvements, and the replacement of components, the UH–60A to L upgrade is not funded.

The UH–60L Black Hawk is more economical to operate and has 1000 lbs of additional lift than the UH–60A. The desired rate of UH–60A to L upgrades is 38 per year. Funding the UH–60A to L upgrade will significantly improve the Black Hawk fleet and assure that ARNG units are ready, deployable, and available to protect our national interests both abroad and at home.

This ARNG aviation initiative has been identified by the Chief of the National Guard Bureau (CNGB) as a FY09 Essential 10–Top 25 unfunded priorities.

Requesting Member: Representative GUS M. BILIRAKIS.

Bill Number: S. 3001

DOMESTIC PRODUCTION OF POLYCRYSTALLINE LASER GAIN MATERIALS

Account: Defense Production Act Purchases.

Names and address of Requesting Entity: VLOC Incorporated, 7826 Photonics Drive, New Port Richey, FL 34655.

Description of Request: This earmark provides $5,200,000 for the domestic production of transparent polycrystalline laser gain materials for defense critical materials required for the Department of Defense's next-generation tactical laser systems. The Department of Defense is funding the development of laser platforms that generate 100 kilowatts of output power in an all-solid-state design with field testing starting within the next 12 months. In order to generate this level of operational power, new and unique laser materials must be produced domestically in commercial quantities. Recent laser demonstrations utilizing polycrystalline materials manufactured exclusively overseas indicate that transparent polycrystalline laser gain materials, that use nano-particle powders, do in fact allow laser designers to demonstrate these higher levels of output power (the DoD/JTO-mandated 100 kW). Under previous forward-leaning research funded by the AFRL, U.S. industry was able to research and test innovative growth technologies, infrastructure improvements, and advanced materials analysis of these new ceramic laser gain materials. By leveraging this previous R&D funding, it is expected that full domestic production with volumes to meet all of the current DoD needs will be completed within 36 months.

These funds will be used for infrastructure improvements, labor and overhead, nano-powder testing and production, production hardening of the domestic manufacturing of the polycrystalline laser gain materials, fabrication, characterization and dielectric coatings of the laser gain slabs.

INFORMATION SYSTEMS SECURITY PROGRAM

Account: Procurement

Names and address of Requesting Entity: Green Hills Software, 34125 US Hwy 19 North, Suite 100, Palm Harbor, FL 34684.

Description of Request: This earmark provides $2,000,000 for the Information Systems Security Program which would be spent over the course of the fiscal year. As the Department of Defense moves to full deployment of the Global Information Grid (GIG), the need for High Assurance Secure capabilities becomes more critical and more pervasive. Simply put, increased sharing increases network vulnerabilities; and compromise of US or coalition resources could have serious consequences to our nation's security. This project would implement high assurance software to achieve more security with higher levels of access control across security domains from Unclassified to Top Secret. Without this capability, the Global Information Grid's functions cannot be fully exploited. In addition, creating an architecture that allows classified and unclassified resources to be combined will result in a significant cost savings to the government as redundant classified and unclassified systems are eliminated.

OPTIC BAND CONTROL PROGRAM:

Account: Materials.

Names and address of Requesting Entity: Eclipse Energy Systems, 2537 Ham Blvd, Suite 1, Clearwater, FL 33764.

Description of Request: This earmark provides $800,000 for the Optic Band Control Program (OBC) which focuses on advanced infrared filter technology for a wide range of Department of Defense interests. There is an urgent need for advancement of technology necessary for blocking certain wavelengths while allowing other wavelengths to pass though a filter. This is necessary for laser threat protection as well as more precise chemical and biological sensors and camera/reconnaissance systems. The funds will be used for equipment purchases, software modeling and design, machine operation and related engineering tasks.

NATIONAL FUNCTIONAL GENOMICS CENTER

Account: Medical Advanced Technology.

Names and address of Requesting Entity: Moffitt Cancer Center, 12902 Magnolia Drive, Tampa, FL 33612.

Description of Request: This earmark provides $6,000,000 for the National Functional Genomics Center which conducts applied research for the Department of Defense for the discovery of molecular signatures for cancers and the accelerated development of new personalized drugs based on each individual's molecular fingerprint to treat cancer. This research directly translates into reduced financial costs and morbidity associated with cancer treatment in the military and results in reduced disruption to the active duty soldier.

Name of Requesting Member: Congressman GUS M. BILIRAKIS.

Bill Number: S. 3001.

Account: FEMA Predisaster Mitigation.

Legal Name/Address of Requesting Entity: Pinellas County, Florida, 315 Court Street, Clearwater, Florida 33756.

Description: This funding will complete the infrastructure hardening of the existing Pinellas County facility housing Emergency Medical Services (EMS) equipment, supplies, and operations. The EMS facilities serve as a countywide base-of-operations during and post-disaster for more than 80 emergency personnel as well as the County's radio communications, Fire and EMS dispatch, 911 dispatch, Fire and EMS administration, and EMS response.

Funding will support roof analysis and installation of new roof systems, installation of fastening/bracing equipment, strengthening sections of walls with additional structural steel, and upgrading of the generator and mechanical systems to assure continuance of emergency activities during storms and other emergency events.

I believe that the use of these federal funds are justified because this project advances the goals of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 100–107) for implementation of pre-disaster mitigation measures in states and localities that are cost effective and designed to reduce injuries and loss of life.

The project also advances the goals of FEMA's Predisaster Mitigation Fund, which finances projects for infrastructure improvements, analysis, and other activities for disaster mitigation.

Spending Plan: These federal funds will support exceptional one-time construction costs. Pinellas County will provide fifty percent ($1,000,000) of total project cost ($2,000,000). Pinellas County provides ongoing service and operational costs.

SUPPORTING DEMOCRACY IN BANGLADESH

SPEECH OF

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2008

Ms. WOOLSEY. Madam Speaker, thank you to Representative CROWLEY for his excellent work on this resolution.

I rise today in support of this important resolution and in support of free and fair elections.

Bangladesh, the world's third most populated Muslim country, must return to the fold of democracy and uphold the most basic human rights—the right to vote. Over the past two years, the people of Bangladesh have lived under a state of emergency. As the resolution outlines, the rights of the press have been curtailed and corruption is running rampant.

We all know that a nation can only succeed when it heeds the will of the people. Security—both economic and political—cannot be established while citizens are being ignored and repressed.

Bangladesh must hold free, fair, credible, peaceful, and transparent elections. I urge support of House Resolution 1402.

CREDIT CARDHOLDERS' BILL OF RIGHTS ACT OF 2008

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2008

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in strong support of H.R. 5244, the Credit Cardholders' Bill of Rights Act. This legislation is timely and necessary, and importantly, it should alleviate the economic woes that consumers are experiencing during these tough economic times. The purpose of this bill is to provide crucial protections against unfair, but unfortunately common, credit card practices.

While the Federal Reserve will likely issue regulations on this same topic, it is important that we as legislators do not abdicate our responsibility to the Administration. As members of Congress, we must do all that we can to ensure that the credit interests of the American people are well taken care of. Any regulation passed by the Federal Reserve will likely be the subject of judicial challenge. Thus, legislation will be needed.

H.R. 5244, ends unfair, arbitrary interest rate increases by preventing card companies from unfairly increasing interest rates on existing card balances. The bill makes clear that retroactive increases are permitted only if a cardholder is more than 30 days late, if a preagreed promotional rate expires, or if the rate adjusts as part of a variable rate. Under this bill, a credit card company has to give 45 days notice of all interest rate increases so consumers can pay off their balances and shop for a better deal elsewhere.

This bill is the first of its kind to stop excessive "over-the-limit" fees and it ends unfair penalties for cardholders who pay their balances in full on time. H.R. 5244 also protects cardholders from due date gimmicks and prevents companies from using misleading terms and damaging consumers' credit ratings. Perhaps, most important is that the bill protects vulnerable consumers from high-fee subprime credit cards and it bars issuing credit cards to minors. This bill should help Americans and will require credit companies to employ fair credit card practices.

I recognize that the credit card industry and other members of the financial services community may oppose this bill. They argue that the limits this legislation would place on the competitive market come with unintended consequences, such as higher costs for consumers and reduced access to credit. The legislation would also result in the elimination of policies that benefit consumers, and disregards efforts by Federal regulators to complete and promulgate new credit card regulations.

Opponents of H.R. 5244 claim that the bill includes a number of prescriptive mandates that will increase costs and/or limit options that consumers have today. For example, the cost associated with requirements that dictate how a customer's payment can be attributed to their outstanding balance will likely result in the end of promotional rate offers. Importantly, these opponents do not indicate that the consumers will be provided with more disclosure and fair and accurate information on rates that will not likely be changed by the credit card companies.

It is immaterial that the Federal Reserve will be issuing regulations that govern credit card practices. It is the purview of this Congress to legislate and it is by legislative authority that agencies promulgate regulations. I do not find the arguments in opposition to this bill to be persuasive.

The credit card market is highly competitive. Although we are experiencing tough economic times and the credit card companies are feeling economic pressure, so too, are the American consumers. The consumers are merely working-class people. If the credit card companies think they are squeezed, imagine the plight of the American people. Something must be done.

H.R. 5244 is balanced and is a step in the right direction. I support the bill and I look forward to working with the credit card industry and the consumers on this very important issue.

I urge my colleagues to support this bill.

CREDIT CARDHOLDERS' BILL OF RIGHTS ACT OF 2008

SPEECH OF

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2008

Mr. ETHERIDGE. Madam Speaker, I rise in support of H.R. 5244, Credit Cardholders' Bill of Rights Act of 2008.

With wages stagnating and turmoil afflicting our entire financial industry, this bill will help the many Americans who are falling deeper into debt. Over the last several years the average American household's credit card debt has risen dramatically, from $2,966 in 1990 to

$9,840 in 2007. Americans must focus more on responsible spending and long-term saving, but their efforts are undermined by unfair and predatory practices that seek to exploit families.

H.R. 5244 would give credit card holders the power to combat exploding interest rates, excessive credit card fees, and the changing and misleading agreements from credit-card companies. This bill would require a 30 day notice before rate increases, as well as restrict rate increases on existing balances to the case of late payments in order to protect consumers from arbitrary and unfair rate hikes. The Credit Cardholders' Bill of Rights Act of 2008 also stops excessive fees by allowing consumers to set their own fixed credit limit, and limit the number of over-the-limit fees companies can charge for the same transaction. H.R. 5244 would end unfair penalties such as ''double cycle billing'', or the charging of interest on debt that consumers have already paid off. Finally, this bill would also define the terms ''fixed rate'' and ''prime rate'' so that they cannot be misrepresented by card issuers, and bars issuing credit cards to vulnerable minors.

The Federal Reserve has recognized these practices as abusive and is issuing new regulations to prohibit them. I am pleased that H.R. 5244 will strengthen the Federal Reserve's regulations, ensure they have legislative standing, and further protect millions of Americans from these practices.

While H.R. 5244 would end these abusive practices, it still allows credit card companies the flexibility to account for the financial risk of their customers by setting initial interest rates and allowing rate increases if cardholders fall more than 30 days behind payment.

COMPREHENSIVE AMERICAN ENERGY SECURITY AND CONSUMER PROTECTION ACT

SPEECH OF

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. CASTLE. Mr. Speaker, I remain frustrated that Congress has yet to arrive at a compromise to ensure a majority vote in both chambers on a comprehensive energy package. There is a finite supply of oil and increasing global demand, and this picture will not change. For this reason, I believe that all solutions are essential in any compromise legislation striving to eliminate our dependence on foreign oil, so that future generations are not faced with the same energy problems. It is my goal to continue to work toward a compromise package, which can be signed into law, to deliver the relief the American public needs now and an energy policy for the 21st Century.

New domestic offshore drilling has been the subject of much debate over the last few months. With Delaware's coastline and tourism economy in mind I have been cautions about any new drilling that could have a negative impact. However, I do believe that additional domestic oil and gas production on a limited basis and carried out in an environmentally sound manner is realistic, so that American dollars no longer go overseas to in some cases unfriendly nations. Coupled with this must be a sincere commitment to invest in renewable energy development and energy efficiency measures. It is this way that we will improve our national security, help address climate change, improve American competitiveness, and create jobs.

Today I voted to support maintaining a ban on oil and gas development up to 50 miles off our coastlines, to allow drilling between 50 and 100 miles offshore if states give the green light, and to allow the federal government to permit drilling from 100 to 200 miles offshore in the Outer Continental Shelf. The bill ensures drilling happens in a way that protects ''coastal environment, marine environment, and human environment of state coastal areas and the Outer Continental Shelf.'' A strong protective barrier between our coastlines and where new drilling could begin is important for protecting sensitive coastal habitat and the tourism industry Delaware. A sustainable federal funding mechanism for conservation and alternative and renewable energy initiatives, which this bill includes, is critical, but I also support revenue sharing with the states, including impacted neighboring states, which this legislation unfortunately omits.

As for renewable energy production and energy efficiency measures, which I have supported many times in the last few months, the bill provides $19 billion over ten years in tax incentives. Included in this is a short-term extension of the production tax credit for renewable energy production, like wind facilities, critical for states like Delaware pushing offshore wind projects. We must continue strive for longer-term incentives. To pay for the continued investment in these important measures, the bill requires U.S. oil companies to renegotiate leases and pay royalty payments and repeals certain tax incentives at a time of record profits. The legislation also includes a requirement that power companies generate 15 percent of their energy from renewable sources by 2020, which I have previously supported.

The measure also allows leasing federal lands for oil shale production, only if states like Colorado, Utah and Wyoming allow it. While I believe alternative fuels are important to develop, I believe we should not make commercially available those that are more greenhouse gas intensive than conventional fuels.

Other provisions included in the bill are tax incentives for coal projects that capture carbon, plug-in hybrid cars, and fueling stations for natural gas vehicles, and grants for public transportation agencies; requiring the U.S. Department of the Interior to offer oil and gas lease sales on the National Petroleum Reserve in Alaska on an annual basis; encouraging completion of a new oil and gas pipeline to aid the transmission of supply; and reinstates the ban on the export of Alaskan oil. Additionally, this bill requires oil companies to ''diligently develop'' all of their current leases for energy production or relinquish them. Finally, the legislation requires the government to release 70 million barrels of crude oil in exchange from the Strategic Petroleum Reserve. Many of these provisions have been considered by the House in earlier iterations and I believe represent substantive small steps we can take now to make additional supply available and some of which could reduce prices immediately.

My priority is promoting pragmatic solutions that cover a broader spectrum of energy policies, including intensifying development of alternatives, extending renewable and efficiency tax credits, implementing stronger efficiency standards, and encouraging more conservation. A comprehensive compromise energy policy is critical for our national security, public health, meeting the challenges of global warming, and bolstering the economy.

There is no silver bullet and we must be willing to compromise. I hope that the House and Senate will now sit down and craft yet another compromise that we can deliver to the President as soon as possible.

EARMARK DECLARATION

HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. DAVIS of Kentucky. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I secured as part of S. 3001:

Requesting Member: Congressman GEOFF DAVIS.

BM Number: S. 3001.

Account: Other Procurement, Army.

Legal Name of Requesting Entity: DRS Technologies, Inc.

Address of Requesting Entity: 7375 Industrial Road, Florence, KY 41042–2911.

Description of Request: Appropriate $2,400,000 for procurement of Multi-Temperature Refrigerated Container Systems (MTRCS). MTRCS is the follow-on generation of refrigeration systems. It provides the capability to transport and store both refrigerated and frozen products in a single container. It consists of an insulated 8′ x 8′ x 20' International Organization for Standardization shipping container with an engine-driven refrigeration unit that will allow operation on the move. The two compartments are separated by a moveable partition varying proportions of refrigerated versus frozen products, resulting in maximum loading of the container.

MTRCS is used principally by subsistence units. It will also be used by medical units for transport and storage of refrigerated medical supplies, including blood products.

The benefit to DOD is more efficient space utilization and reduced transportation requirements. Fewer vehicles will be required to transport food on the battlefield, reducing the number of soldiers exposed to danger from IEDs.

The Army Acquisition Objective for MTRCS is 4,432 systems, but only 1,050 are funded in the FY08–13 Future Years Defense Plan. This earmark would authorize procurement of an additional twenty systems.

Requesting Member: Congressman GEOFF DAVIS.

Bill Number: S. 3001.

Account: Research, Development, Test & Evaluation, Army.

Legal Name of Requesting Entity: Ashland Inc.

Address of Requesting Entity: 50 E. River Center Blvd., Covington, KY 41012–0391.

Description of Request: Appropriate $800,000 to continue development of advanced coolant and lubricant systems utilizing nano-particle systems to enhance the capabilities of military ground vehicles and simplify

supply logistics. FY09 will be the third year of this project. The focus will be on transition to commercial production and final testing of stable nanofluids with improved cooling and lubrication properties while meeting all environmental requirements and making these processes commercially scalable.

Funds will be used for (1) transition production from development to commercial scale; (2) engine and vehicle dynamometer testing; and (3) field demonstrations. A dynamometer is a device that absorbs the power of an engine in the absence of a vehicle to move. The test engine to be used is the new production engine for the HMMVW that has been the engine of choice for that vehicle for the past several years. A test cell is a physical container or room that is properly outfitted for housing an engine-dynamometer combination for controlled and safe operations. Field testing of the nanofluids will occur through use of the HMMWV vehicle with the Optimizer 6500 Turbo-Diesel engine under extreme arctic and desert conditions.

Military vehicles are designed to meet exceedingly strict and arduous cooling, lubrication and overall performance requirements. One of the goals of the Tank Automotive Command is to increase the performance and durability of engines, power trains and their component parts to support Army transformation in the areas of system mobility, durability, reliability and survivability and may ultimately serve to reduce the logistics cost burden for the Objective Force.

Requesting Member: Congressman GEOFF DAVIS.

Bill Number: S. 3001.

Account: Operations & Maintenance, Air Force.

Legal Name of Requesting Entity: TiER1 Performance Solutions, LLC.

Address of Requesting Entity: 6 East 5th Street, Suite 400, Covington, KY 41011.

Description of Request: Appropriate $1,600,000 for the Engineering Training and Knowledge Preservation System (ETKPS). The Air Force is facing significant turnover in its senior technical personnel. The Air Force Materiel Command (AFMC) could lose as many as sixty percent of its top engineers over the next three to five years.

Preserving the knowledge base is essential to AFMC and will be a massive undertaking requiring processes and tools to capture operational, technical, and critical thinking knowledge. Integrating the ability to capture, store, align, and transfer knowledge to the next generation workforce through a single, secure Web-based knowledge and training portal is necessary. Functionality of this solution must include the ability to track an individual's skills across competencies throughout his/her career; evaluate all existing training and compare the cost-benefits of competing training approaches; allow experienced personnel to easily create new training and knowledge content in accordance with pre-defined standards; plug into existing defined competencies and skill requirements and capture knowledge from subject-matter-experts to address these; link novices to experts in real-time through a virtual Web Center; categorize, organize and search all knowledge and information across the enterprise; deliver assessments to determine skill proficiencies; deliver information in a variety of ways—through distance learning, on-line reference systems, technical manuals, job aids, mobile devices and other tools. FY 09 will be year four of this ongoing project.

Funds will be used for (1) requirements analysis; (2) functional design; (3) enhanced feature development; (4) USAF system integration; (5) user acceptance testing; and (6) USAF selected site development. Requirements analysis is an ongoing rigorous process to ensure the product meets the very specific needs of the Air Force Materiel Command (AFMC). Functional design results in a document used to inform and gain agreement that what is being developed will satisfy the AFMC user requirements. Enhanced feature development results in a prototype developed per the functional design which is presented to AFMC for testing and feedback. USAF system integration establishes proper interfaces between the ETKPS system and existing Air Force IT systems. User acceptance testing is used to evaluate the quality and usability of the product. USAF selected site development will result in the deployment of ETKPS to six Air Force bases, ensuring consistency across all bases.

These system capabilities will enable AFMC to organize and align information to support ongoing training and development of its total workforce. Funding for this effort is critical to AFMC for maximizing the effectiveness and efficiency of retaining existing knowledge capital and for building effective training programs that support the development of new personnel.

EARMARK DECLARATION

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. MCHUGH. Madam Speaker, I submit the following:

Requesting Member: Congressman JOHN M. MCHUGH.

Bill Number: S. 3001.

Account: Defense Health Program (DHP).

Legal Name of Requesting Entity: Fort Drum Regional Health Planning Organization.

Address of Requesting Entity: 120 Washington Street, Suite 302, Watertown, New York 13601.

Provide an earmark of $640K for the Fort Drum Regional Health Planning Organization (FDRHPO).

The funding will enable the organization, as part of the pilot program reauthorized and expanded in P.L. 110–181, to hire the necessary staff and conduct the required assessments.

Requesting Member: Congressman JOHN M. MCHUGH.

Bill Number: H.R. 2638.

Account: RDT&E, Navy.

Legal Name of Requesting Entity: Trudeau Institute.

Address of Requesting Entity: 154 Algonquin Ave., Saranac Lake, New York 12983.

Provide an earmark of $1.6 million for U.S. Navy Pandemic Influenza Vaccine Program. The funding will support the acceleration of studies of pandemic influenza vaccine research by developing and incorporating the use of bioinformatics (the use of techniques including mathematics, informatics, statistics) to solve biological problems associated with pandemic influenza vaccine and related issues.

Requesting Member: Congressman JOHN M. MCHUGH.

Bill Number: H.R. 2638.

Account: RDT&E, Army.

Legal Name of Requesting Entity: Clarkson University.

Address of Requesting Entity: 8 Clarkson Avenue, Potsdam, New York 13699.

Provide an earmark of $1.6 million for nanostructured materials for Photovoltaic Applications. On a digital battlefield, scientific and technological superiority in land warfighting capability places a high premium on reliable and mobile communications systems. Lead acid batteries and diesel generators must yield photovoltaic (PV or solar cells) systems. Commercial and military efforts to achieve orders of magnitude increases in photovoltaic (PV or solar cells) device efficiency and decreases in cost have not been successful to date. This research project will develop novel PV technology (such as antireflective, antiflouling, and self-cleaning coatings for the solar cell applications) that will increase efficiency and reliability.

Requesting Member: Congressman JOHN M. MCHUGH.

Bill Number: H.R. 2638.

Account: RDT&E, Army.

Legal Name of Requesting Entity: State University of New York at Plattsburgh.

Address of Requesting Entity: 101 Broad Street, Kehoe 815, Plattsburgh, New York 12901.

Provide an earmark of $1.280 million to study the use of drugs to reduce hearing loss following acute acoustic trauma. The project will study the viability of using pharmacologic agents to reduce the effects on hearing of an acute acoustic trauma such as that produced by blast exposure. SUNY Plattsburgh's Auditory Research Laboratory is one of the few laboratories in the U.S. dedicated to this type of research. Acute blast exposure is a serious problem in current military operations, resulting in disability status for a large number of personnel. This project will provide an objective look at drugs that may reduce hearing loss.

Requesting Member: Congressman JOHN M. MCHUGH.

Bill Number: H.R. 2638.

Account: RDT&E, Army, Medical Advanced Technology.

Legal Name of Requesting Entity: WelchAllyn.

Address of Requesting Entity: 4341 State Street Road, Skaneateles Falls, New York 13152.

Provide an earmark of $2.0 million for the Personal Status Monitor (Nightengale). The funding will enable WelchAllyn to further develop its smart sensing technologies which provide on-body sensing of physiologic parameters that can be relayed to a remote server by means of a series of wireless relay devices for notification in the case of a critical or life-threatening event. The research and development will provide DOD with mobile, wireless monitoring of patients and other personnel who would benefit from being monitored where traditional monitoring has not typically been used given high cost and weight of devices.

Requesting Member: Congressman JOHN M. MCHUGH.

Bill Number: H.R. 2638.

Account: RDT&E, Army.

Legal Name of Requesting Entity: Syracuse Research Corporation.

Address of Requesting Entity: 7502 Round Pond Road, North Syracuse, New York 13212.

Provide an earmark of $3.2 million for the Foliage Penetrating, Reconnaissance, Surveillance, Tracking and Engagement Radar (FORESTER). FORESTER is an airborne sensor system that provides standoff and persistent wide-area surveillance of dismounted troops and vehicles moving through foliage. Designed and developed to fly on the A160 Hummingbird unmanned helicopter, FORESTER is a one-of-a-kind technology providing the warfighter with all-weather, day-night target detection and tracking capability in real-time. The request will provide the funding necessary to transition FORESTER to the user community and apply the technology to additional platforms.

EARMARK DECLARATION

HON. TIM MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2638, Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009:

Requesting Member: Congressman TIM MURPHY.

Bill Number: S. 3001.

Account: Department of Defense, Navy, RDT&E, Shipboard System Component Account.

Legal Name of Requesting Entity: Converteam Inc.

Address of Requesting Entity: 610 Epsilon Drive, Pittsburgh, PA 15238.

Description of Request: Appropriation in the amount of $2 million for Navy Integrated Power System Converter. The Navy initiated the Integrated Power System (IPS) program in 1995 to develop all-electric power systems that can be used in any class of ship; CVN, DDG–1000, CGX and SSN. IPS provides capacity for future combat system upgrades, improved ship survivability, greater flexibility in ship design, and reduced operating and support costs. The Main Propulsion Converters (MPC) form the heart of the IPS concept, and with this development, will provide significant advantages in size, weight and cost reduction across all IPS equipment. In addition, this development will significantly simplify the insertion of advanced weapons. This is an ongoing project with the U.S. Navy.

Requesting Member: Congressman TIM MURPHY.

Bill Number: S. 3001.

Account: Department of Defense, Army, RDT&E, Military Engineering Advanced Technology Account.

Legal Name of Requesting Entity: PPG Industries.

Address of Requesting Entity: 440 College Park Dr., Monroeville, PA 15146.

Description of Request: Appropriation in the amount of $1 million for Nanotechnology for Potable Water and Waste Treatment. PPG Industries proposes to use its nanotechnology to water filtration technologies. One such technology applicable to water filtration is nanofiber mats which may be produced in high volumes through an electromechanical spinning technique developed by PPG. These nanofiber mats can be functionalized to sequester water contaminants quickly and efficiently. Additionally, fiberglass can be modified with nano-materials and then films to mitigate waterborne contaminants. The program will address both conventional water treatment and water security needs in a military field environment and the public sector.

Requesting Member: Congressman TIM MURPHY.

Bill Number: S. 3001.

Account: Department of Defense, Navy, RDT&E, Force Protection Advanced Technology Account.

Legal Name of Requesting Entity: Curtiss-Wright.

Address of Requesting Entity: 291 Westec Drive, Mt Pleasant, PA 15666.

Description of Request: Appropriation in the amount of $1 million for Navy High Power Density Motor Drive. Funding will complete drive design and initiate prototype assembly of High Power Density Motor Drive for Naval Submarine and Surface Ship Applications to meet the Navy's need for a motor drive that is power dense, lightweight, with low distortion and noise, high efficiency and high reliability as a companion to the Extreme Torque Motor (XTM). The drive is the element which provides proper energy to the motor, allowing for variable speed and direction. Advances in control techniques and the combination of several power electronics technologies will enable the development of a drive system design that meets all of the Navy's requirements. The motor concept is based on Harmonically Neutralized Frequency Converter (HNFC) technology, a combination of proven power conversion techniques that have been used for several decades in icebreaker and cruise ship propulsion systems. Integration of this drive technology with XTM motor development offer will enable the design of a complete Navy "system", optimized for high demands of propulsion. This is an ongoing project of the U.S. Navy.

Requesting Member: Congressman TIM MURPHY.

Bill Number: S. 3001.

Account: Department of Defense, Army, RDT&E, Munitions Standardization, Effectiveness and Safety Account.

Legal Name of Requesting Entity: National Center for Defense Manufacturing & Machining.

Address of Requesting Entity: 1600 Technology Way, Latrobe, PA 15650.

Description of Request: Appropriation in the amount of $1 million for Virtual Opportunity and Information Center (VOICe). The National Center for Defense Manufacturing & Machining (NCDMM) has been working with private industry under congressional support to produce a Virtual Opportunity and Information Center (VOICe) that matches the requirements of DoD and original equipment manufacturers to the capabilities of small to medium manufacturers in Western Pennsylvania. Many of these contracts require state-of-the-art machining tools and techniques in order for the subcontractor to be successful. To assure small manufacturers bid successfully and fulfill all contract requirements, the NCDMM will work in partnership with industry to build a Virtual Opportunity and Information Center (VOICe). VOICe will match opportunities with job shops, as well as supply best practices and requisite knowledge to solutions in high-speed machining, new machining techniques, use of advanced measuring and testing equipment and protocol, work holding, five-axis machining and other best practices.

Requesting Member: Congressman TIM MURPHY.

Bill Number: S. 3001.

Account: Department of Defense, Army, RDT&E, Weapons and Munitions Advanced Technology Account.

Legal Name of Requesting Entity: Kennametal.

Address of Requesting Entity: 1600 Technology Way, Latrobe, PA 15650.

Description of Request: Appropriation in the amount of $1.6 million for Advanced Medium Caliber Tungsten Penetrators. Funding is needed to continue development and conduct testing of advanced Tungsten alloys that have the promise to deliver superior performance compared to Depleted Uranium, and Tungsten/Nickel/Cobalt alloys. Funding for this project will continue a multi-phased program that investigates several Tungsten alloy candidates and consolidation techniques. After laboratory characterization, multiple iterations of ballistic testing in a variety of weapons systems are planned. Successful completion of this phase will allow the Army to investigate the use of new Tungsten penetrators in current and FCS weapons systems. The effort will involve the U.S. Army Research Laboratory, Aberdeen, Maryland, and the U.S. Army ARDEC at Picatinny Arsenal, to ensure programs are properly targeted and result in new technology acquisition.

UNITED STATES FIRE ADMINISTRATION REAUTHORIZATION ACT OF 2008

SPEECH OF

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. WU. Mr. Speaker, I am proud to support this legislation to reauthorize the United States Fire Administration (USFA). I want to congratulate Mr. MITCHELL from Arizona for his work on this issue and for being instrumental in the passage of the House version of this bill earlier this year. I also want to commend Chairman Gordon for his leadership of the Committee on Science and Technology throughout the 110th Congress.

USFA was formed by Congress in 1974 in response to a report that found there were over 12,000 deaths annually due to fire in this country and over 300,000 fire injuries each year. Through the hard work of USFA and others, we have been fortunate to see that number drop dramatically.

We are now a much safer nation, thanks to improved awareness of fire safety practices, increased use of smoke detectors and sprinklers, and other fire safety measures. Still, approximately 3,000 people die each year in fires and 10,000 more are injured. We also

still see too many firefighters die in the line of duty, protecting our families and homes. We have a lot more work to do.

USFA supports local fire departments in a variety of manners. It offers training and career development to thousands of mid-level firefighters, fire chiefs, and other emergency management officials. USFA is a great way for the federal government to help coordinate the efforts for firefighters at the local level.

USFA also develops fire education and awareness curriculum material to be used in training citizens across the country, aiming its messages at groups who suffer the highest fire casualties, such as the young and the elderly.

While Congress is working to reauthorize and build on this important program, the president is cutting the budget for this agency. The President's FY09 budget cuts funding to USFA by more than 5 percent.

As firefighters learn to respond to new issues such as fires in the wildland-urban interface, terrorist events, and harmful materials incidents, we need to provide sufficient funds to train and prepare them for these situations.

Firefighters risk their lives everyday, so they can protect ours. Passing this legislation is one way we can express our great appreciation. I recommend my colleagues support this legislation so it can be signed into law before the end of the 110th Congress.

HONORING THE LIFE OF NORMA DANIELS

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. MORAN of Kansas. Madam Speaker, I rise today to honor the life of Norma Daniels. My thoughts and prayers go out to her husband Bob and the rest of the Daniels family during this time of loss.

I admit that I have trouble knowing where to begin when it comes to honoring Norma. You could call her Madam Chairperson—she was the chair of the Kansas Rural Development Council. You could call her "nurse," as that was her original occupation. Thousands of people called her "Senator," and seven people call her "Mom."

Norma was born in Yates Center, a town of about 1800 people in Woodson County, KS. She was raised in Kansas City, MO and did her undergraduate work at St. Louis University. After becoming a registered nurse, she met a young medical student at a hospital in Kansas City named Bob Daniels. Bob went on to complete his internship at St. Francis Hospital in Wichita, and while there, the two were married. Bob and Norma raised 6 daughters and 1 son.

Knowing of her extensive service to her community through various volunteer organizations, Bob raised the question of whether Norma should run for City Council. Norma reacted in shock, saying she didn't know anything or care about politics.

Sometime later, she was paying her city water bill and asked the city clerk what it would take to run for city council. The clerk replied, "Who would like to know—certainly not you, Norma." She answered, "Why not?" The clerk said, "City business is like big business, and women just don't understand it." That was all the motivation that she needed. Norma ran for and won a seat on the city council, and never looked back—winning every election she entered.

Norma knew she was a novice and became a student of government, reading through ordinance books and state laws and visiting the police and fire stations to learn the laws. Her work paid off, and her successful career on the city council and encouragement from her community led her to challenge a long time incumbent Kansas State Senator. She became the first female State Senator ever elected from Sedgwick County, winning by only 176 votes of the nearly 23,000 cast. The media called her victory a fluke, but they were wrong. She was re-elected to the Senate twice more, and in January of 1993 she retired.

I had the opportunity to serve with Norma in the Kansas State Senate. Norma was a tireless advocate for her constituents and always a professional. Her list of honors and activities is remarkable. She was one of the first to represent Kansas in Tokyo at the Japan American Grassroots Summit, a founder of the Valley Center Swim Club and a co-leader of the Girl Scouts. But she kept it all in perspective. Throughout her life she was a believer of rural America, saying that is where the real diamonds of family life are found. She found great happiness in serving others and in making life a little better for those who needed a hand, and that is why Madam Speaker, I rise to honor her today.

PERSONAL EXPLANATION

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. WELLER of Illinois. Madam Speaker, had I been present for Rollcall votes 616 through 618. I was absent on Monday, September 24th due to personal reasons.

If I were present I would have voted, "Aye" on Rollcall vote 616, "Aye" on Rollcall vote 617, and "Aye" on Rollcall vote 618.

CELEBRATING THE 97TH NATIONAL DAY OF THE REPUBLIC OF TAIWAN

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. BURTON of Indiana. Madam Speaker, I rise as a senior member of the House Foreign Affairs Committee and member of the House Taiwan caucus, to honor the people of the Republic of China (Taiwan)—a strong strategic partner and ally not only to the United States but also among the democratic nations of our world—as they prepare to celebrate their 97th National Day on October 10th.

Taiwan's National Day, also known as Double Ten Day for its date on October 10th, marks the start of the revolution that toppled the Qing dynasty and established the Republic of China, the first republic in Asia. Many Chinese on Taiwan have compared the celebration of this day with our own Independence Day and celebrate with the notable spectacle of parades and fireworks.

It has been nearly a century since October 10, 1911 and the ROC on Taiwan has become a full-fledged democracy. Just twenty some years ago, Taiwan was a closed authoritarian society with no freedom of speech, no freedom of assembly, and no right to vote. It now has robust political parties, and virtually every office in Taiwan is contested through free and fair elections. This past March, Taiwan successfully concluded the fourth popular election for president since 1996, showing once again her unwavering commitment to democracy and freedom. May Taiwan long continue to be a beacon of prosperity and freedom for all of Asia.

I believe that all Americans should be proud that Taiwan and the United States have enjoyed such a strong and durable relationship. Taiwan is one of our largest trading partners and the cultural exchanges between our two peoples are as vibrant as they have ever been. We are committed to defending Taiwan under the framework of the Taiwan Relations Act, and we are fully committed to a peaceful solution of the Taiwan issue; no military conflict should ever occur in the Taiwan Strait.

Taiwan has stood shoulder to shoulder with the United States to combat the scourge of global terrorism; and the people of Taiwan have always given generously in our greatest times of need with monetary contributions to the Twin Towers Fund, Pentagon Memorial Fund and through offer of humanitarian assistance to victims of Hurricane Katrina. Taiwan and the United States are not merely allies; we are friends and partners in the truest sense of the words.

I have been a long-time supporter of Taiwan and hope that my colleagues and I will continue to improve relations not only between the United States and Taiwan but between Taiwan and the international community. It is imperative that the United States take more active steps to support Taiwan's ongoing efforts to participate in the World Health Organization, the United Nations, and the Asia-Pacific Economic Cooperation (APEC) group and other regional and multi-national organizations. It is regrettable that Taiwan has been excluded from these organizations. It has been a gross injustice to deny Taiwan's 23 million people their proper voice in the world.

I myself have been to Taiwan on numerous occasions and have supported the work of its leaders through tremendous challenges, particularly in reference to cross-strait relations. As we continue to work toward solutions in this region of the world, let us commemorate and remember the ongoing commitment to democracy exemplified by Taiwan.

Madam Speaker, I would ask all of my colleagues to join me now to thank the people of Taiwan for their friendship, to congratulate them on the 97th Anniversary of National Day, and to renew our commitment to further develop and strengthen the bonds between our two peoples.

EARMARK DECLARATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

EARMARKS FOR FY 09 DEFENSE APPROPRIATIONS BILL, INCLUDED IN OF THE SENATE AMENDMENT TO H.R. 2638—CONSOLIDATED SECURITY, DISASTER ASSISTANCE, AND CONTINUING APPROPRIATIONS ACT, 2009

Mr. GALLEGLY. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the Senate Amendment to H.R. 2638—Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009:

Requesting Member: Representative ELTON GALLEGLY, CA–24.

Bill: The Senate Amendment to H.R. 2638—Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: Research, Development, Testing, and Evaluation, Navy, Line 94, Electronic Warfare Development.

Legal name and address of receiving entity: NAWCWD Point Mugu at Naval Base Ventura County, Point Mugu, CA 93042.

Description of Request: This $1,600,000 would be for the development and construction of the Enhanced Electronic Warfare laboratory at NAWCWD Point Mugu. This laboratory upgrade at Point Mugu would directly support EA–18G, EA–6B, MH–60, and the E–2C platform development. In order to be effective in modern battle scenarios that contain multiple threats, the EW weapon system requires the exact location and type of all the threats in a 360 degree, or 4 quadrant, field of view. The lack of a four quadrant simulation capability does not allow for complete lab testing of modern EW weapons systems. Four quadrant lab testing results in cost savings and more accurate test results due to the repeatability of test data without having to repeat test flights.

Requesting Member: Representative ELTON GALLEGLY, CA–24.

Bill: The Senate Amendment to H.R. 2638—Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: Other Procurement, Navy, Line #91, Aviation Support Equipment, Weapons Range.

Legal name and address of receiving entity: Argon ST, located at 2810 Bunsen Avenue, Ventura, CA 93003.

Description of request: This $1.28 million increase to this account will be used to fabricate Advanced Ground Target Threat Simulators (AGTTS) that simulate current threats and to develop AGTTS that simulate new emerging threats that U.S. personnel and their weapon systems may have to face. The AGTTS program will provide the majority of the land-based simulators that U.S. forces will be able to use for weapons T&E and operator training. I am told that the funding will be used to design, analyze, develop, field and sustain the AGTTS.

Requesting Member: Representative ELTON GALLEGLY, CA–24.

Bill: The Senate Amendment to H.R. 2638—Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: Other Procurement, Army, Line 118, Communications and Electronics Equipment, Items under $5 million.

Legal name and address of receiving entity: ITT/EDO, 2193 Anchor Court, Thousand Oaks, CA 91320.

Description of request: This $1,600,000 would upgrade and replace GPS survey tools for Army topographic engineers. The current instruments face a growing parts obsolescence problem and are subject to GPS jamming. This would create as many as fifty jobs in Ventura County. I am told that approximately half of the funding would be used to update and integrate real-time kinematic algorithms and modify SAASM software; approximately 25% of the remaining funding would be used to test data collection software and a handheld controller; and the remaining funding would be used to complete and test the prototype system.

Requesting Member: Representative ELTON GALLEGLY, CA–24.

Bill: The Senate Amendment to H.R. 2638—Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: RDT&E, Navy, Line 70, PE# 0603795N, Land Attack Technology.

Legal name and address of receiving entity: MBDA, 5701 Lindero Canyon Road, Suite 4 100, Westlake Village, CA 91362.

Description of request: This increase in this account would allow the Navy to continue development of innovative missile solutions for an Affordable Weapons System (AWS), capable of operating from ships and with a potential Navy/USMC airborne launch capability. Phase I, under completion, will define detailed weapon system missions, system and subsystem requirements and capabilities, and system architecture to allow the Navy to begin Phase II and serve as a basis for subsequent development. The requested funding will transition AWS from Phase I to Phase II, selecting the best materiel approaches for subsystem development, testing and program risk reduction and create aerospace engineering jobs in Southern California. Specifically, $5.8 million of this increase will provide a technical design baseline; will identify expected service life, environmental limits, reliability, maintainability, and system operational tempo; will prescribe a test program for system certification; and a plan for weapon system integration on surface vessels and aircraft to meet Service requirements. Further breakout of funds as follows: $2.8M to MBDA, $1.7M to Subcontractors, $1.3M for Navy Management.

Requesting Member: Representative ELTON GALLEGLY, CA–24.

Bill: The Senate Amendment to H.R. 2638—Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: RDT&E, Defense-Wide, Line 95, PE# 604608D8Z, Joint Capability Technology Demonstration (JCTD).

Legal name and address of receiving entity: Malibu Research, 3760–A Calle Tecate, Camarillo, CA 93012.

Description of request: This $1,600,000 would create jobs in Ventura County that will help to further develop for deployment the Silent Guardian—Active Denial System, which provides an alternative to deadly force by generating a very focused and controllable millimeter wave energy that the skin absorbs, producing a heat sensation that rapidly becomes intolerable. The sensation stops immediately when subject steps out of the beam or it is turned off. This will be used for soldiers, who, Under Escalation Of Force (EOF) protocol, are supposed to perform actions to get the drivers of potentially threatening vehicles to stop. In today's operational environment, soldiers conducting security and peace enforcement operations along convoy routes and at checkpoints face the extreme circumstance of making instantaneous life and death decisions balancing the EOF and ROE. With this funding, I am told that approximately $500,000 will be used to develop high power waveguide lens and procure long lead items including transmitter; approximately $800,000 will be used to fabricate large diameter W band system prototype; and approximately $300,000 will be used to perform functional testing of W band prototype.

EARMARK DECLARATION

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. BRADY of Texas. Madam Speaker, I submit the following:

Requesting Member: Congressman KEVIN BRADY, Texas 8th Congressional District.

Bill Number: H.R. 2638—The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: Combat Vehicle and Automotive Advanced Technology, 33 0603005A.

Requesting Entity: Verdient Technologies LLC.

Address of Requesting Entity: 1401 McKinney Street, Suite 900, Houston, TX 77010.

Description of Request: For the final year of a 2 year project, I am requesting funding aimed at completing a project that will allow military personnel in Iraq, Afghanistan, and other theaters to stay cool in their vehicles without running the engine. Today vehicles must run their engine to keep crew members cool, a heat-signature is created and that provides a target for enemy fire and fuel is wasted resulting in decreased combat effectiveness and operational range.

The request funds completion of the No-Idle Complex Compound ("NICC") project, which is developing technology powered by diesel fuel to cool or heat the crew cabin in military vehicles when the vehicle engine is not operating. Without this system, the vehicle engine must be idled to provide cooling or heating thus wasting significant amounts of fuel, polluting the environment and creating a thermal and acoustic signature. The proposed development will design and build prototypes of the NICC system for military combat vehicles, address critical manufacturing, and quality control processes and manufacturing technology. When utilized in combat, the NICC will cool personnel and electronics with minimal thermal or noise signature, enhancing both the comfort and safety of our troops—allowing them to more safely and effectively execute their mission.

The $1.6 million project will be completed in four stages: (1) manufacture of three prototypes at $750,000 (47%); (2) tracking results of field testing at $450,000 (28%); (3) implement second round of field testing at $250,000 (15.5%); and (4) design of final product for vehicle integration at $150,000 (9%).

Requesting Member: Congressman KEVIN BRADY, Texas 8th Congressional District.

Bill Number: H.R. 2638—The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: R1: Aerospace Propulsion and Power Technology.

Requesting Entity: Sam Houston State University.

Address of Requesting Entity: Sam Houston State University, 1806 Ave J, Suite 303, Huntsville, TX 77340.

Description of Request: With one more year to go before completion, this is the second year I have requested funding for TRIES. The project has received funding for a total of 7 non-consecutive years. This request will provide funds to Sam Houston State University and Texas State University System to finalize research of a technology for the treatment of contaminated water to make it usable for our troops in the field or during natural disasters.

Of the $1.6 million TRIES received this year, approximately $312,000 (19.5%) will go to direct labor; $360,000 (22.5%) for materials; $824,000 (51.5%) for other direct expenses; and $104,000 (6.5%) for demonstration.

EARMARK DECLARATION

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Ms. GINNY BROWN-WAITE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding member requests I received as part of H.R. 2638, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009:

I requested 3 projects in H.R. 2638. They include:

$800,000 for the Miami Project to Cure Paralysis—Battlefield Exercise and Combat Related Spinal Cord Injury Research located at 1095 NW 14th Terrace, Miami, FL 33136. This request, in the RDTE,A account, will fund continuing spinal cord injury (SCI) research at the Miami Project to Cure Paralysis, a Center of Excellence at the University of Miami School of Medicine. Research is directed at improving neuroprotection and pharmacological treatments for combat-sustained spinal cord injuries to reduce secondary damages.

$1,200,000 for St. Leo University's Continuing Education Distance Learning located at 33701 State Road 52, P.O. Box 6665, St. Leo, FL 33574. This request, in the OM,N account, will be used for long distance learning programs that are utilized by members of our Armed Forces. At this time, the university's main campus and 21 teaching locations (15 military locations) can accommodate the VTT broadcast and delivery of academic courses. Four new centers located at military sites are scheduled for VTT system installation in 2008, and discussions are underway to add VTT at 4 military teaching locations in 2009. VTT system installation also is scheduled for the university's civilian teaching location at the Atlanta Police Training Academy, where law enforcement and military personnel study criminal justice and homeland security.

$5,200,000 for VLOC, Inc., located at 7826 Photonics Dr., New Port Richey, FL 34655. This request, in the DPA account, will be used for the domestic production of transparent polycrystalline laser gain materials.

The Department of Defense is calling for the development of tactical lasers that generate 100+ kilowatts of output power in an all-solid-state design with field-testing starting within the next 12 months. To generate this level of operational power, new and unique laser materials must be produced commercially and domestically. Under previous forward-leaning research funded by the AFRL, U.S. industry was able to research and test innovative growth technologies, infrastructure improvements, and advanced materials analysis of these new ceramic laser gain materials. Unfortunately, at the start of these testing efforts, there were no parallel commercial polycrystalline-based efforts domestically that would address U.S. defense-critical needs. A domestic supplier now exists and it is imperative that domestically produced materials be tested and qualified to maintain the military proprietary status of these highly sensitive military 100+ kilowatt-class lasers. By leveraging this previous R&D funding, it is expected that full domestic production with volumes to meet all of the current DoD needs can be achieved.

EARMARK DECLARATION

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. EVERETT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication regarding three earmarks I received as part of H.R. 2638—Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of Fiscal Year 2009:

Request No. 1:

Requesting Members: Congressman TERRY EVERETT, Congressman ROBERT B. ADERHOLT.

Bill Number: H.R. 2638—Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of Fiscal Year 2009.

Title of Request: Advanced Hypersonic Weapon Technology Demonstration.

Account: Research, Development, Test, and Evaluation—Army, Army Missile Defense Systems Integration (Non Space).

Legal Name of Requesting Entity: Westar Aerospace & Defense Group, Inc.

Address of Requesting Entity: 890 Explorer Boulevard, Huntsville, AL 35806.

Description of Request: The Advanced Hypersonic Weapon (AHW) Technology Demonstrator earmark request is for $2,400,000. The funding is for the U.S. Army Space and Missile Defense Command to reduce risk and flight test validate critical technologies (hypersonic boost-glide, thermal protection, precision navigation, guidance and control, and secure 2-way in-flight communication) required to enable the successful execution of the emerging USSTRATCOM mission for prompt global strike. TPS technologies are viewed by USSTRATCOM as the key to executing the prompt global strike mission. The prototype C3 capability would provide missile launch command and control associated with flight test demonstration supporting critical test execution and flight safety. As a potential spiral for weaponization, AHW would provide a ground launched forward-deployed mid-term option to destroy time sensitive/high value targets at long distances with a minimal deployment logistics tail.

Request No. 2:

Requesting Member: Congressman TERRY EVERETT.

Bill Number: H.R. 2638—Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of Fiscal Year 2009.

Title of Request: Gunfire Detection System for Unmanned Aerial Vehicles.

Account: Research, Development, Test and Evaluation—Army, Concepts Experimentation Program.

Legal Name of Requesting Entity: Radiance Technologies.

Address of Requesting Entity: 350 Wynn Drive, Huntsville, AL 35805.

Description of Request: The Gunfire Detection System for Unmanned Aerial Vehicles earmark request is for $800,000. The funding is for a wide angle weapons detection sensor that can detect, classify and locate a variety of weapon fires including Rocket Propelled Grenades (RPGs), MANPADS, small arms, mortars, tanks and artillery. This Weapons Watch (WW) Technology can process these events in near real time (less than a second) and disseminate the information over existing command and control channels immediately. This sensor, detecting from a variety of airborne platforms can cue other sensors or weapon systems to positively identify and neutralize the hostile weapon system. The basic sensor technology has been demonstrated as part of the Overwatch ACTD and has also been deployed to support current operations. At less than 30 pounds, it has flown on both manned and unmanned aircraft proving its ability to accurately detect at extended ranges while on the move. The Army Aviation Center is ready to integrate this technology on both manned and unmanned aircraft to provide both enhanced targeting and aircrew survivability. In concert with AMRDEC (Huntsville), PM UAV (Huntsville) and the Directorate of Combat Developments (Ft. Rucker), the contractor will provide simulation software and WW hardware to the USAAVNC for testing and certification through the Aviation Technical Test Center (AATTC). Aviation experts from both the Wiregrass area and Huntsville will develop the techniques, tactics and procedures to fully employ the capabilities of this system.

Request No. 3:

Requesting Members: Congressman TERRY EVERETT, Congressman ROBERT B. ADERHOLT, Congressman MIKE ROGERS.

Bill Number: H.R. 2638—Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of Fiscal Year 2009.

Title of Request: Space Control Test Capabilities.

Account: Research, Development, Test and Evaluation—Air Force, Counterspace Systems.

Legal Name of Requesting Entity: Davidson Technologies, Inc.

Address of Requesting Entity: 530 Discovery Drive, Huntsville, AL 35806

Description of Request: The Space Control Test Capabilities (SCTC) earmark request is for $1,600,000. The funding would provide half of the available funds for the final development of a version of SCTC, which will join the already developed closed-form version to give a new combined capability to analyze important transient command/control situations (e.g., satellite outages). The combined version provides both closed-form steady-state and transient-event analysis capabilities, builds upon

Air Force selected analytical engines, and is already in the hands of the users in support of Terminal Fury. The addition completes the required analytical suite. The other half of the funds will be used for tool validation. When completed, the combined SCTC tool is the only tool of its type and caliber in the Air Force analytical inventory. Completion of this combined tool in GFY 2009 is needed to provide quantitative data support for acquisition decisions. The tool will provide decision timelag and throughout data for combination steady-state and transient situations to quantify performance of alternative system implementations. The Air Force will use these performance predictors to make sound, quantitative-based acquisition decisions for upcoming space systems in areas such as OCS, DCS, SSA and communications now and in the future, providing additional AF funding to enhance operational capabilities as required.

Request No. 4:

Requesting Member: Congressman TERRY EVERETT.

Bill Number: H.R. 2638—Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of Fiscal Year 2009.

Title of Request: Advanced Commercial Technology Insertion for Aviation and Missile Research Development and Engineering.

Account: Research, Development, Test and Evaluation, Army (RDTE, A)—Missile and Rocket Advanced Technology.

Legal Name of Requesting Entity: Aegis Technologies.

Address of Requesting Entity: 631 Discovery Drive, Huntsville, AL.

Description of Request: The Advanced Commercial Technology Insertion for Aviation and Missile Research Development and Engineering earmark funding request is for $2,400,000. The rapid advance of commercially available technology creates a persistent opportunity to enhance the capabilities and efficiencies of the Army's Laboratories. An investment in infusing state-of-the art technology in the Army's Aviation and Missile Research and Development Engineering Center (AMRDEC) laboratories such as the Advanced Simulation Center (ASC) would provide an immediate return to the Army in the form of the quality and scope of research, development, test and evaluation that can be conducted on behalf of the warfighter.

The earmark funding is to enhance the capabilities and efficiencies of the Army Aviation and Missile Research, Development and Engineering Center (AMRDEC) through a systematic and planned initiative that will: (1) Identify commercially-available cutting edge technology with the potential for enhancing the capabilities and efficiencies of existing and planned AMRDEC laboratories; (2) evaluate competing technologies and products, analyze cost-benefit trade-offs in implementing the technologies, and provide recommendations for implementation; (3) design and plan implementation schedules to introduce the new technology into existing laboratories while minimizing impact to AMRDEC's customers; (4) install new technologies and train operators; and (5) provide support for the technologies as required.

Request No. 5:

Requesting Member: Congressman TERRY EVERETT.

Bill Number: H.R. 2638—Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of Fiscal Year 2009.

Title of Request: Future Tactical Operations Center Hardware/Software Integration.

Account: Research, Development, Test and Evaluation, Army (RDTE, A)—Army Missile Defense Systems Integration (Non Space).

Legal Name of Requesting Entity: Gray Research, Inc.

Address of Requesting Entity: 655 Discovery Drive Suite 300, Huntsville, AL.

Description of Request: The Future Tactical Operations Center Hardware/Software Integration earmark funding request is for $2,000,000. The funding is for the advancement of these capabilities vital to the current Joint, Interagency and Multinational (JIM) force since many of the technologies that are employed today have no incremental support or upgrade capability in place. This effort will continue to both fill the void in technology enhancements until future Integrated Air and Missile Defense (IAMD) programs are fielded and at the same time provide a test-bed for emerging technology experimentation and TTP/CONOP development.

EARMARK DECLARATION

HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. ROYCE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2638, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act:

Requesting Member: Congressman ED ROYCE.

Bill Number: H.R. 2638.

Account: U.S. Army, Research, Development, Test & Evaluation (RDT&E).

Legal Name of Requesting Entity: California State University, Fullerton.

Address: 800 N. State College Boulevard, Fullerton, CA 92831.

Description of Request: This bill provides $1,600,000 to continue the Prader-Willi Syndrome (PWS) Research project being led by the California State University, Fullerton. Specifically, funding would be used for equipment and supplies (such as indirect calorimeter machine, microarray machine for genome scans, DNA sequencer), and for testing (such as brain and abdominal MRIs; extensive cognitive and behavioral testing; analysis of total energy expenditure) and personnel (lab technicians, nutritionists, psychologists, neuroradiologists, PWS physicians). This funding would allow for the continuation of this vital research on Prader-Willi Syndrome, which will serve as a resource to the Department of Defense for the many military families with children affected by this disorder. More importantly, the research will serve as a resource to the Department for the treatment and study of obesity in general. The strong manifestation of obesity in children with PWS makes it an excellent model. Military health experts have characterized the growing problem of obesity amongst active duty and potential recruits as a national security issue because of its overall impact on the health, performance, and readiness of our armed forces. With 54 percent of military personnel overweight, obesity has been identified as a public health priority by the surgeons general from the Army, Navy and Air Force. Furthermore, obesity places a significant cost burden on the military and veterans' health care systems. This request is consistent with the intended and authorized purpose of the Army, RDT&E Account and consistent with the DoD mission. This funding will build on the two-year series of studies on PWS and obesity that are already underway. California State University, Fullerton will provide any statutory matching required through institutional sources as well as in-kind contributions of staff time and indirect costs.

Requesting Member: Congressman ED ROYCE.

Bill Number: H.R. 2638.

Account: Military Personnel—Operations & Maintenance.

Legal Name of Requesting Entity: California State University System.

Address of Requesting Entity: 401 Golden Shore, Long Beach, CA 90802–4210.

Description of Request: This bill provides $1,600,000 for the Strategic Language Initiative. Our nation's defense, diplomatic, and business employers need affordable, accessible strategic language instruction programs. The 5 California State University (CSU) campuses originally comprising the Strategic Language Initiative (SLI) Consortium have worked collaboratively to create an effective model capitalizing on campus language expertise, student heritage language diversity, and local linguistic communities in Arabic, Mandarin, Korean, Persian, and Russian.

No single university has the resources to meet this rapidly changing need for global and regional expertise in a wide range of world languages. National efforts have concentrated on developing flagship programs in languages such as Chinese, Arabic, Russian, and Korean, and creating demonstration materials for offering languages online. This effort provides an opportunity to tap into the diverse heritage language communities in California, home to the densest concentration of linguistic and cultural diversity in the nation. Collectively, the California campuses of the CSU system have collaborated to provide an innovative approach to intensive language learning that can be a model for other metropolitan consortia. These universities serve the most linguistically diverse populations in the country, with large heritage communities near different campuses, and collectively enroll over 100,000 students each year.

Data collected from SLI participants showed an average language development progress that significantly exceeds traditional classroom and course-based program in Arabic, Korean, Mandarin, and Persian. Compared to other models of critical language development, the SLI Model is very cost-efficient and effective in advancing a large group of undergraduate and graduate students through several language proficiency levels across multiple campuses in a relatively short time period, for a fraction of the funding available to other programs. This request would build the programs within the current Consortium, and add CSU campuses. Lessons learned from the current programs will shape the new programs. The legacy of this federal investment will be an instructional model sustained by the CSU system that effectively responds to the national challenge to graduate more professionals with language and cultural knowledge and skills for an increasingly interdependent global world.

PERSONAL EXPLANATION

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. LARSON of Connecticut. Madam Speaker, I would like to submit this statement for the RECORD and regret that I could not be present yesterday, Tuesday, September 23, 2008 to vote on rollcall vote No. 626.

Had I been present, I would have voted: Yea on rollcall vote No. 626 to suspend the rules and pass, as amended, H.R. 5352, a bill to protect seniors in the United States from elder abuse by establishing specialized elder abuse prosecution and research programs and activities to aid victims of elder abuse, to provide training to prosecutors and other law enforcement related to elder abuse prevention and protection, and for other purposes.

EARMARK DECLARATION

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. SOUDER. Madam Speaker, I submit the following:

Member: Rep. MARK E. SOUDER.

Bill: H.R. 2638—The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Project Name: Select Availability Anti Spoofing Module (SAASM) Precise Positioning System (PPS) GPS Upgrade.

Entity: ITT.

Address: 1919 West Cook Road, Ft. Wayne, IN 46801.

Amount: $1,600,000.

Justification for use of federal taxpayer dollars: The program will implement software upgrades to current SAASM based GPS receivers to expedite the replacement of less secure systems in the near term. This upgrade will provide a more robust and militarized survey solution and eliminate parts obsolescence issues facing the legacy GPS–S; as well as provide the warfighter protection against today's threats from jamming and spoofing.

Improving our high-tech defense capabilities is paramount for continuing our superior military strength throughout the world. The ITT facility in Fort Wayne is one of the leading suppliers of this type of technology in the United States. Along with the SAASM System, this facility 10,000 SINCGAR radios a month for our warfighters throughout the world. These dollars allow ITT to update and integrate new technology that makes our warfighters more capable and also provides them with a higher level of safety.

Finance Plan: The requested $4,000,000 will support the integration and test of SAASM-based GPS survey equipment for the US Army. Specifically, $1,950,000 to update and integrate real-time kinematic algorithms, and modify and test SAASM software, $550,000 to modify, integrate and test data collection software and hand-held controller, $250,000 to select and test suitable, high-precision survey antennas, and $1,250, to complete prototype systems and system test including data communications. This is all the funding needed to perform and complete the work as outlined. The allocated $1,600,000 will be used to achieve the same goals.

Member: Rep. MARK E. SOUDER.

Bill: H.R. 2638—The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Project Name: Multi-Band Multi-Mission Radio (MBMMR).

Entity: Raytheon Network Centric Systems.

Address: 1010 Production Road, Ft. Wayne, IN 46808.

Amount: $1,600,000.

Justification for use of federal taxpayer dollars: The AN/PSC–5D MBMMR is the U.S. Special Operations standard man-portable tactical Ultra-High Frequency (UHF) Satellite communications (SATCOM) terminal. MBMMR is the primary mission radio for Special Operations Forces (SOF) units, providing tactical and worldwide connectivity playing a key role in the GWOT. It enables SOF to communicate on a user-selected frequency 30 to 512 megahertz (MHz) utilizing a single man-pack radio with embedded communications lifeline to SOF teams operating under hazardous circumstances such as isolation from possible reinforcement by U.S. ground forces. MBMMR reduces the need for multiple man-pack radios, reducing the weight and size of communications equipment which must be carried out by SOF. U.S. Special Operations Forces have a requirement for approximately 400 additional MBMMR radios and ancillary equipment to satisfy requirements of the Global War on Terror.

The Raytheon facility in Fort Wayne is a technology leader specializing in innovative technology to make U.S. warfighters more effective and secure. With a history of innovation spanning more than 80 years, Raytheon provides state-of-the-art electronics, mission systems integration, and other capabilities in the areas of sensing; effects; command, control, communications and intelligence systems, as well as a broad range of mission support services. There are over 1100 engineers in the Fort Wayne facility working everyday to make our soldiers the best equipped in the world. This funding will allow them to create the high-tech radios needed by Special Operations Forces.

Finance Plan: The funding would be used for procurement of 400 radios for U.S. Special Operations Forces.

CELEBRATING THE NATIONAL DAY OF THE REPUBLIC OF CHINA ON TAIWAN

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise to celebrate with the people of the Republic of China on Taiwan on the occasion of their ''National Day.''

On October 10, the people of the Republic of China on Taiwan will celebrate their 97th National Day and remember the uprising that started China on the path toward freedom and democracy. In the 97 years since their revolution, the Republic of China, on Taiwan since 1949, has become a strong democracy and trusted friend to the United States.

As our 8th largest trading partner and member of the World Trade Organization, the Republic of China on Taiwan has achieved a flourishing market-based economy and one of the highest standards of living in the world. I appreciate the contributions of the Republic of China on Taiwan to the freedom and prosperity of the Asia-Pacific region, and I look forward to the continued cooperation between the United States and the Republic of China on Taiwan.

As the people of the Republic of China on Taiwan celebrate their National Day, it is my privilege, honor and pleasure to join with my colleagues in congratulating and confirming our mutual commitment to the democratic ideals of freedom of speech, the Rule of Law, and free and fair elections.

CONGRATULATING THE CHILD'S ADVOCACY CENTER FOR DENTON COUNTY ON THE GROUNDBREAKING OF ITS NEW FACILITY

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. BURGESS. Madam Speaker, I rise today to congratulate the Child's Advocacy Center for Denton County for breaking ground today on its new facility in Lewisville, TX. The CACDC has been helping heal the wounds of child abuse in the Denton area for over 10 years, and this new facility will allow the Center to increase its work to match the demands of a growing community.

The CACDC began in 1994 as a task force comprised of representatives from the District Attorney's office, Child Protective Services, law enforcement, professionals in abuse-related fields, and community members. The Center became fully operational in 1997 as a safe place where child victims could be interviewed and counseled during investigations into child abuse. Today, the center is a nonprofit agency governed by a volunteer board of directors.

Prior to the formation of the Center, children were often subject to questioning in frightening places such as a police station. Investigators often lacked specialized training in child abuse issues, and there was no system in place to ensure that victims were offered treatment or referred to community resources. The CACDC provides a welcoming area to counsel victims of child abuse, is able to refer victims to other helpful community resources, and fights to ensure that abusers are held accountable for their wrongs. The Center is able to ease the pain and future negative impact of child abuse by giving children the care and encouragement they need to move forward after these traumatic events.

The CACDC will now build a brand new 14,000 square foot building to use as its primary facility for dealing with child abuse cases. I am especially proud of all the community leaders, as well as members of my staff, who have helped make this dream a reality. I am honored to represent the people of the Child's Advocacy Center for Denton County in the 26th District of Texas, and I wish them the best of luck as they break ground today.

TRIBUTE TO MARY C. RUSSO

HON. THELMA D. DRAKE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mrs. DRAKE. Madam Speaker, I rise to recognize the outstanding achievements of Mary C. Russo. Acknowledged by the Virginia Beach City Council, Ms. Russo's great volunteer work, dedication, and leadership proved her a strong recipient for this recognition.

Mrs. Russo is a devoted, tireless volunteer who has dedicated more than 30 years of service to the Virginia Beach area. In 1978, Mrs. Russo was appointed the first Coordinator of the Virginia Beach City Council's Volunteer Council. Serving in the capacity of Director of Volunteers, she has contributed more than 10,900 hours of service. Additionally, Mrs. Russo has been honored by numerous appointments to a variety of national, State, and local boards, commissions, and agencies.

Through Mrs. Russo's work, the Volunteer Council has grown to over 25,000 volunteers who have collectively recorded over 1.1 million hours of work, valued at nearly 15 million dollars. The program has been so successful that the city of Miyazaki, Japan has sent staff and citizen delegations to train under Mrs. Russo.

With this award, Mrs. Russo has joined an elite group of citizens who have greatly impacted the United States. I am certain that her incredible accomplishments, dedication to our country and evident leadership talents will continue to speak highly of her, as they do now.

EARMARK DECLARATION

HON. VERN BUCHANAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. BUCHANAN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2638, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009:

Requesting Member: Congressman VERN BUCHANAN.

Bill Number: H.R. 2638.

Account: Emergency Operation Centers (EOC).

Legal Name of Requesting Entity: Sarasota County.

Address of Requesting Entity: 1660 Ringling Boulevard, Sarasota, FL 34236.

Description of Request: I secured $1,000,000 to help relocate and construct a new Sarasota County Emergency Operations Center. An engineering survey conducted in May 2007 determined that the Sarasota County Administration Building was not designed to withstand the forces of a major hurricane. This building houses the County Emergency Operations Center, 911 Consolidated Communications Center, and the Enterprise Information Technology Data Center. Sarasota County is in the midst of planning and designing a new 50,000 square foot public safety center that is structurally sound and geographically located to ensure that it can provide critical services and government continuity after the advent of a major storm event. Funding will be used to help relocate and construct a new Sarasota County Emergency Operations Center.

Requesting Member: Congressman VERN BUCHANAN.

Bill Number: H.R. 2638.

Account: (RDT&E, Army, PE 0601004A).

Legal Name of Requesting Entity: New College of Florida.

Address of Requesting Entity: 5800 Bay Shore Road, Sarasota, FL 34243.

Description of Request: I secured $1,200,000 for the continuation of the Florida Collaborative Development of Advanced Material for Strategic Applications, which will introduce a research project with significant educational components and undergraduate student involvement that will study the physical mechanisms of laser assisted modification of two types of nanoparticles: three dimensional, almost spherical metal nanoparticles embedded in dielectric matrix and highly anisotropic one-dimensional structures confined into carbon nanotubes. The proposed study will utilize various spectroscopic and microscopic techniques to investigate in a coherent systematic manner the possibilities of modifying in a controlled and reproducible way, various structural and electronic properties of these two systems. In addition to the particle size analysis, the study will place special emphasis on the interpretation of the experimental data in terms of the particle shape, metal concentration, in the film after each consecutive step of the modification process. This study will be the first attempt to combine the data obtained from UV–VIS absorption spectroscopy and numerical Mie resonance analysis, with material characterization performed by Rutherford backscattering (RBS), X-ray Diffraction (XRD), Transmission Electron Microscopy (TEM) and Atomic Force Microscopy (AFM), and relate them to their optical non-linear properties studied by Z-scan measurements. The second part of the project will involve laser-assisted manipulation of filled double-walled carbon nanotubes and micro-Raman spectroscopy and TEM characterization of highly anisotropic 1D nanostructures confined into carbon nanotubes.

The results of the proposed investigation will have two-fold significance. First, they will contribute new important information in the area of nanosized particles with the key goal of tailoring their properties. Second, the study will serve as an effective educational tool for teaching undergraduate students how to do "real life" research. The proposed area of research will give students a strong understanding of the fundamentals of physics and technology as an intellectual discipline and provide them the opportunity to work successfully in a diverse group. The research will be carried out primarily at New College of Florida in close collaboration with local scientists; the French National Research Center, Orsay, France; the Max Planck Institute for Microstructure Physics, Halle, Germany; the Central Laboratory of Solar Energy, Bulgarian Academy of Sciences, Sophia, Bulgaria; and the University Paul Sabatier, Toulouse, France.

EARMARK DECLARATION

HON. JEFF FORTENBERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. FORTENBERRY. Madam Speaker, pursuant to the Republican Leadership standards on member requests, I am submitting the following information regarding four (4) member requests I received as part of H.R. 2638, The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009:

1. Southeast Nebraska Cancer Center Foundation/National Functional Genomics Center: $1.2 million.

Account: 30 0603002A Medical Advanced Technology.

Address of Requesting Entity: Southeast Nebraska Cancer Center Foundation, 201 South 68th Street Place, Lincoln, NE 68510–2496.

Description: $1.2 million which will be used to support current genomics-based clinical trials involving the development of molecular signatures at the National Functional Genomics Center (NFGC), concurrently supporting the development of a strong bioinformatics program. These two components are critical to the mission of the NGFC. Each requires large numbers of qualifying patients, and corresponding tissues procurement to advance translational research.

The Southeast Nebraska Cancer Center (SNCC) is comprised of a group of oncologists, health care professionals and informatics personnel who support the advancement of translational research, in conjunction with a desire to offer the best survival opportunities to patients now and in the future. As an affiliate member of the NFGC, SNCC provides clinical support for validation of "molecular signatures" and serves as the first clinical facility to provide patients for trials, and to establish research protocols for distance access to the NFGC.

2. Novel Coating Technologies for Military Equipment: $4.8 million.

Account: 7 0602234N Materials, Electronics, and Computer Technology.

Address of Requesting Entity: University of Nebraska-Lincoln, 301 Canfield, P.O. Box 880433, Lincoln, NE 68588–0433.

Description: $4.8 million for the University of Nebraska-Lincoln to further develop novel technologies that will enable high-performance surface coatings to be applied to airplanes, warships, tanks, and other large military equipment on site and in an open atmosphere, avoiding the current high costs in time and money of equipment disassembly and the use of vacuum chambers. Most military equipment, ranging from airplanes to warships and tanks, requires high-performance surface coatings for improved performance and reliability. Because military equipment is commonly used in harsh environments, the surface coatings quickly degrade and require periodic evaluation, repair, and often full replacement. Current coating technologies use chemical and physical vapor deposition, which requires high temperatures, the use of vacuum chambers, and disassembly of large equipment to fit in the vacuum chambers. This project will develop laser-based technologies that will deposit high performance surface coatings on site and in open atmosphere without requiring disassembly and

reassembly of the equipment. These surface coatings will have improved hardness, wear resistance, anti-corrosion, and thermal barrier properties.

3. Advanced Magnetic Nanosensors for Defense Applications: $4.8 million.

Account: 5 0602105A Materials Technology.

Address of Requesting Entity: University of Nebraska-Lincoln, 301 Canfield, P.O. Box 880433, Lincoln, NE 68588–0433.

Description: $4.8 million for the University of Nebraska-Lincoln to develop and demonstrate nanosensors with unprecedented sensitivity, reduced noise, optimal capability with electronic systems, and the capability to detect explosives, chemicals, and motion. The project addresses the Department of Defense (DoD) priority research area of nanotechnology-based warfighting with an emphasis on new devices for defense and security. These highly sensitive, miniaturized devices would be extremely useful in the creation of the distributed sensor networks that DoD sees as next generation sensor technology. Research will focus on the development of two types of sensors: magnetic tunnel junctions (MTJs) to sense extremely small magnetic fields, enabling detection of explosive devices (such as IEDs) and motion; and micro-cantilever detectors (MCDs), highly sensitive devices to detect molecules attached to magnetic nanoparticles, creating an advanced biological sensor capable of detecting a single virus or bacterium. This research will provide clear pathways for applications developers to improve signal and reduce noise, two of the critical challenges to effective nanosensors. This research will continue to build the strong infrastructure of basic trained scientists with the expertise required for Nebraska's economic development in the area of sensors and electronic devices.

4. Novel Systems for Developing Therapeutics Against Botulism: $4 million.

Account: 28 0602787A Medical Technology.

Address of Requesting Entity: University of Nebraska-Lincoln, 301 Canfield, P.O. Box 880433, Lincoln, NE 68588–0433.

Description: $4 million for the University of Nebraska-Lincoln (UNL) to develop novel processes to produce therapeutic molecules against all seven serotypes of the botulinum neurotoxin and make these processes ready for Phase I clinical studies. Botulinum neurotoxin is a biowarfare agent, a Category A CDC select agent and the most potent known toxin to humans. No FDA licensed vaccines against botulinum neurotoxin exists and there are no therapeutic molecules that can counteract its deadly effects once it enters the nerve cell. Development of such a therapeutic is the U.S. Army's highest priority for botulism research. Scientists at UNL and USAMRIID have collaborated 12 years on the first generation botulism vaccine, which has been effective against some of the original toxin, but challenges in vaccine development may render the vaccine ineffective. USAMRIID has developed and demonstrated a proof-of-concept of a new molecule that will specifically target the nerve cell. This funding will enable UNL's Biological Process Development Facility to develop novel recombinant protein expression technology to produce therapeutic molecules and make these processes ready for Phase I clinical studies. The processes also will enable the development of other therapeutics of interest to the Department of Defense.

EARMARK DECLARATION

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. DOOLITTLE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the folio information regarding earmarks I received as part of H.R. 2638, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, Section 2, Division C:

Project Name: Transportable Cryofracture/Plasma Arc.

Account: RDT&E, A.

Amount: $1,600,000.

Requesting Entity: General Atomics, 3550 General Atomics Ct., San Diego, CA 92816.

Description: The Transportable Cryofracture/Plasma Arc project is developing a system for the demilitarization of obsolete conventional munitions that combines two existing fixed-site technologies, cryofracture and plasma arc, into a tractor trailer mounted system that meets all National Highway Transportation and Safety Administration, NHTSA, and Federal Highway Administration, FHA, guidelines for size, weight, and safety. Using this technology to demilitarize munitions at their storage areas will be safer, more secure, much cheaper, and meet environmental emission standards.

Spending Plan: Of the $1,600,000 appropriated, $1,500,000 will be spent in the second quarter of Fiscal Year, FY09, 2009 to complete procurement of the demonstration system, $1,000,000 for materials and $500,000 for labor. $100,000 will be spent in the third quarter of FY09 for the same purpose, labor.

Project Name: Hydrocarbon Boost Technology Demonstrator.

Account: RDT&E, AF.

Amount: $1,400,000.

Requesting Entity: Aerojet-General Corporation, P.O. Box 13222, Sacramento, CA 95813.

Description: This program was initiated by the United States Air Force to meet its projected launch needs for the future. Upon completion, the demonstrator will provide technologies that will lead to a liquid engine that is inherently higher performing, more operable, and more affordable that any other U.S. engine. The use of lower-toxic hydrocarbon fuel also promises long-term savings for the Air Force in operation and maintenance costs. Since the Federal Government is the primary end-user, it is logical that Federal funding support the initiative.

Spending Plan: The FY09 $1,400,000 increase is to return the FY09 funding closer to the planned level at contract initiation. The total project is a $109 million/9 year program, and the 2009 funds are intended for Ox rich preburner and turbopump concept designs.

Project Name: Strike Weapon Propulsion (SWEAP).

Account: RDT&E, N.

Amount: $2,400,000.

Requesting Entity: Aerojet-General Corporation, P.O. Box 13222, Sacramento, CA 95813.

Description: The Nation is investing in the development of high-speed weapons that can engage time critical targets at ranges up to 600 nautical miles within 5 to 10 minutes. The required propulsion system operates at temperatures typically exceeding 3,000 to 4,000 degrees Fahrenheit, hotter than conventional rockets and ramjets, requiring advancement in the development of ceramic composite materials. Solutions to this challenge have been demonstrated; however, affordability is the remaining issue. The Strike Weapon Propulsion program's objective is to lower the cost of producing the structure for a High-Speed Strike Weapon Propulsion system by 80 percent. If the effort is not funded, the high speed strike capability will not be of benefit to the future war fighter because it will not be affordable. Other, less effective systems would then prevail based on their lower unit costs.

Spending Plan: The total project will be financed as follows: $1.7 million for the design of ceramic matrix engine structures; $1.8 million for subscale hardware fabrication; $0.5 million for subscale hardware testing; $2.2 million for full-scale combustor fabrication; and $0.8 million for combustor assembly and testing.

Project Name: Validation of Lift Fan Engine Systems.

Account: RDT&E, N.

Amount: $2,000,000.

Requesting Entity: Rotordynamics-Seal Research, 3302 Swetzer Rd., Loomis, CA 95650.

Description: This technology demonstration program will provide benefits to all citizens of the U.S. through the reduction in tax revenues necessary to maintain the fleet of engines for the Joint Strike Fighter aircraft. In addition, a new virtual testing capability will be created that has applicability to a wide range of commercial and aerospace systems leading to significant development cost reductions. The near-term specific task to be executed under this effort is development and experimental validation of Rotordynamics-Seal Research's RAPPID™ virtual testing modeling and simulation software for analysis of lift fan engines with clutches, gears, and splines. RAPPID™ is a flexible software package for the simulation of propulsion, power, and vehicle systems that enables faster and more accurate evaluation of new systems. For large projects, RAPPID™ helps program managers plan their resources more wisely and efficiently to enable more cost certainty. The focus of the task is to complete development of software modules necessary for full lift fan engine simulations, to generate test data testing critical components that affect engine vibration characteristics, clutches, gears, and splines, and to use the generated data to validate the resulting software. This is proposed as a 2 year effort. The first year, needed software modules will be developed and validated against existing data and required design modifications will be completed to an existing test facility. In the second year, new validation data will be obtained for the dynamic characteristics of critical components and the validation of the software will be completed. Advanced modeling and simulation software has been developed for determining the remaining life of critical Joint Strike Fighter lift fan engine clutch, gear, and drive train components. This program will extensively validate the key models used in the software through experimentation. The existing test facility developed for this purpose has "best in the world" capabilities for measurement of difficult to obtain data sets. This validation will enable engine life assessment modeling tools to be verified for release for fleet management purposes.

Spending Plan: The total project cost is $5 million, of which $4.5 million will be used for

labor, six Ph.D. engineers, four M.S. engineers and four B.S. engineers, and $500,000 will be used for test hardware.

INTRODUCING THE EVACUEES TAX RELIEF ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. PAUL. Madam Speaker, I rise to introduce the Evacuees Tax Relief Act of 2008, legislation providing tax relief to those forced to abandon their homes because of a natural disaster. This legislation provides a tax credit or a tax deduction, depending on the wishes of the taxpayer, of up to $5,000 for costs incurred because of a government-ordered mandatory or voluntary evacuation. Evacuees could use the credit to cover travel and lodging expenses associated with the evacuation, lost wages, property damages not otherwise compensated, and any other evacuation-related expenses. The tax credit is refundable up to the amount of income and payroll taxes a person would otherwise pay, thus ensuring working people who pay more in payroll than in income taxes are able to benefit from this tax relief. The credit is available retroactive to December of 2007, so it is available to Hurricane Ike evacuees, as well as those who evacuated because of Hurricanes Gustav and Dolly.

Having recently had the majority of my district, including my home county, subject to mandatory evacuation because of Hurricane Ike, I have experienced firsthand the burdens on those forced to uproot themselves and their families. Evacuees incur great costs in getting to safety, as well as loss from the storm damage. It can take many months, and even years, to fully recover from the devastation of a natural disaster. Given the unpredictable nature of natural disasters such as hurricanes and tornados, it is difficult for most families to adequately budget for these costs. The Evacuees Tax Relief Act helps Americans manage the fiscal costs of a natural disaster.

Madam Speaker, it is hard to think of a more timely and more compassionate tax relief proposal than one aimed at helping families cope with the costs associated with being uprooted from their homes, jobs, and communities by a natural disaster. I hope all my colleagues will show compassion for those forced to flee their homes by cosponsoring the Evacuees Tax Relief Act.

EARMARK DECLARATION

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. BARTON of Texas. Madam Speaker, I rise today to submit the following documentation consistent with the new Republican Earmark Standards:

Requesting Member: Congressman JOE BARTON.

Bill Number: H.R. 2638—The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act.

Account: RDTE, DW.

Legal Name of Receiving Entity: Raytheon.

Address of Receiving Entity: 2501 West University, McKinney, TX, Collin County.

Description of Request: I have secured $800,000 in funding in H.R. 2638 in the RDTE, DW account for the Hostile Fire Indicating System, Raytheon.

The funding will be used for final development of the Advanced Distributed Aperture System (ADAS) which is a transformational night vision augmentation system to operate in no/low-light conditions (day/night) and adverse weather. The Hostile Fire Indicator, an integral component of the ADAS system, will allow for the detection and declaration of small arms fire and can geo locate the hostile shooter and present that information to the aircraft crew so they may respond with the aircraft equipped weapons or move outside the effective range of the hostile weapon.

This funding will be used specifically to develop and demonstrate an ADAS based HFI system.

Requesting Member: Congressman JOE BARTON.

Bill Number: H.R. 2638—The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act.

Account: RDTE, N.

Legal Name of Receiving Entity: Carbon-Carbon Advanced Technologies Inc. (C–CAT).

Address of Receiving Entity: 4704 Eden Road, Kennedale, TX, Tarrant County.

Description of Request: I have secured $2,400,000 in funding in H.R. 2638 in the RDTE, N account for the Strike Weapon Propulsion (SWEAP), C–CAT.

The funding will be used to produce a high-speed weapon to engage long-range targets within 5 to 10 minutes that operate at extremely high temperatures. Previous solutions have been demonstrated, however, affordability is the remaining issue.

With the requested funding the team intends to continue fabrication process development and demonstration, improve subscale hardware durability, and conduct a full scale combustor test of the lower cost material in Aerojet's Mach 6 air-breathing test facility in FY09. This program will support 6 jobs at C–CAT.

Requesting Member: Congressman JOE BARTON.

Bill Number: H.R. 2638—The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act.

Account: RDTE, A.

Legal Name of Receiving Entity: L3/Link Simulation and Training.

Address of Receiving Entity: 2200 Arlington Downs Road, Arlington, TX, Tarrant County.

Description of Request: I have secured $1,200,000 in funding in H.R. 2638 in the RDTE, A account for the Integration of the U.S. Army's Light Utility Helicopter (LUH) into the Aviation Combined Arms Tactical Trainer (AVCATT), L3/Link Simulation and Training.

The funding will be used for integration of the new Light Utility Helicopter (LUH) into the AVCATT simulation thus enhancing the safety of widely dispersed crews and units.

The funding will initiate development in providing a LUH simulation training capability within the Army's AVCATT simulation system, utilizing the original equipment manufacturer.

EARMARK DECLARATION

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. WAMP. Madam Speaker, I submit the following: As a leader on earmark reform among House Republicans, I am committed to honoring House Republican rules that provide for greater transparency. H.R. 2638 The Fiscal Year 2009 Continuing Resolution contains the following fun that I requested:

Requesting Member: Rep. ZACH WAMP.

Account: Navy, RDT&E.

Legal Name Requesting Entity: University of Tennessee Chattanooga SimCenter.

Address: 701 E. MLK Blvd, Chattanooga, TN.

Description of Request: $3.5 million will provide for the continued operation of 100Kw Solid Oxide Fuel Cell and allow for the installation and operation of a second 100Kw Solid Oxide fuel cell. This project will continue to assist the Navy in researching and developing reliable technologies to convert hydrocarbon fuel and air into electricity to develop advanced electric propulsion and power technologies for future ships. This technology also has the potential to provide a commercially available clean, self contained power source.

Distribution of funding: Site Build—$250,000; System Procurement and Commission—$1.7 mil; System operation and 24/7 monitoring—$450,000; Multi unit performance testing—$100,000; Ethanol Operation—$500,000; UTC Simulation and Project Management—$500,000.

Requesting Member: Rep. ZACH WAMP.

Account: FEMA, Predisaster Mitigation.

Legal Name Requesting Entity: City of Lake City.

Address: Lake City, TN 37769.

Description of Request: $418,000 will be matched with $125,000 local matching funds to remove sediment and debris from two miles of Coal Creek Channel in the City of Lake City, TN. This will prevent flooding and damage in a flood prone area. The plan will be adjusted accordingly for the funding level included in the final agreement.

Distribution of funding: 92 percent of the total funding will be used for construction and 8 percent will be used for Engineering.

Requesting Member: Rep. ZACH WAMP.

Account: Milcon, Air National Guard.

Legal Name Requesting Entity: Tennessee National Guard.

Address: 3041 Sidco Drive, Nashville TN.

Description of Request: $8 million for the construction of the KC–135 Squadron Operations Facility at McGhee Tyson Air Base. As a result of the 2005 BRAC the 134th Air Refueling Wing gained 4 PAA KC–135 aircraft. The increase in aircraft and aircrews necessitates the need for an adequately sized facility. This project is in the President's Fiscal Year 2011 Future Year Defense Plan.

Requesting Member: Rep. ZACH WAMP.

Account: Milcon, Army.

Legal Name Requesting Entity: Fort Campbell.

Address: Fort Campbell, KY.

Description of Request: $630,000 million for a Chapel Complex at Fort Campbell. The Installation's religious program operates in 7 chapels (three temporary) and 5 other facilities. The three 65-year old temporary chapels

are inadequate to meet the needs of an Army at War and the requirements of supporting Soldier and Family programs. This funding will be used to construct a new 32,000 square foot facility to support up to 1200 persons at a time, nearly doubling the permanent facility square footage on Fort Campbell. This Project is in the President's Fiscal Year 2013 Future Year Defense Plan.

Requesting Member: Rep. ZACH WAMP.

Account: Milcon, Army.

Legal Name Requesting Entity: Fort Campbell.

Address: Fort Campbell, KY.

Description of Request: $10 mil Child Development Center, Fort Campbell, KY, Fort Campbell School Age Services (SAS) provides before and after school care for 385–425 children each school day and full day care on Soldier duty days when school is not in session. SAS operates in 5 separate sites: 4 elementary schools and the Taylor Youth Center. All five are accredited through the National After School Association. SAS faces severe restrictions on storage due to overcrowding in the elementary schools. SAS lost the use of one school due to lack of storage. FY 2008 request of $8,900,000 would help construct a new facility to support 210 children. The project is in the President's Future Year Defense Plan in FY 2012.

TRIBUTE TO FRANCESC DE PAULA SOLER

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. SERRANO. Madam Speaker, it is with great pleasure that I rise today to once again pay tribute to Francesc de Paula Soler, a gifted and world-renowned musician.

Mr. Soler grew up in Spain and comes from a Catalan family of well-known artists. He began studying the guitar at the age of 6 and was completely immersed in it by age 11, earning the highest honors in the prestigious Conservatorio Superior de Música in Barcelona, Spain. Mr. Soler received rigorous training from legendary guitarists Andres Segovia, known as the ''Father of Classical Guitar'', and Narciso Yepes.

Mr. Soler has become a legend in his own right due to his unique skills in conveying emotions through the strings of his guitar. Mr. Soler has performed in music halls and auditoriums throughout the United States and Europe for audiences of all ages and backgrounds. Some of the venues include the Library of Congress, the Levine School of Music and the Acheson Auditorium at the United States Department of State.

Commonly known as the ''Poet of the Guitar,'' Mr. Soler has received numerous awards and recognitions, including: Honorary Citizen of Dallas, Honorary Citizen of Corpus Christi, Golden Key of the Corpus Christi City, Medal of the U.S. Military Academy and the Plaque of the Catalan Catholic Church Council.

In commemoration of Hispanic Heritage Month and the positive contributions of Hispanic-Americans throughout our nation's history, Mr. Soler will once again grace the Library of Congress with his music. I encourage all of my colleagues to attend Mr. Soler's concert on October 15, 2008 and enjoy his uplifting music.

Madam Speaker, I ask my colleagues to join me in paying tribute to Francesc de Paula Soler for his contributions to the world of music.

EARMARK DECLARATION

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. ROGERS of Michigan. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2638, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act for 2009:

1. Account: Defense Wide RTD&E.

Legal Name of Requesting Entity: Next Energy.

Address of Requesting Entity: 461 Burroughs, Detroit MI.

Description of Request: Provide $2,720,000 to develop and deploy an Advanced Mobile MocroGrid prototype technology to provide high-quality electric power using conventional generation and renewable generation, vehicles powered with exportable power sources and encampment waste. The Microgrid will improve management and efficiency of AC and DC power sources to reduce fuel and logistics costs and meet the increasing demands of U.S. and coalition forces for electricity. DOD's escalating power requirements for forward operating bases, training centers, and main operating installations requires the effective management of power distribution and a greater capability to benefit from a wide variety of non-grid generating assets including renewable energy sources. The Microgrid system features the Electronic Power Control and Conditioning (EPCC) module. This module will effectively manage a range of generating assets, including conventional generators of varying voltage and frequency; power from mobile equipment and vehicles; renewable power from an array of renewable sources including waste, solar and wind generators; and aircraft maintenance generators. These technologies will serve the needs of not only the U.S. military but homeland security and civilian challenges for power and fuel as well.

2. Account: RTDE, U.S. Army.

Legal Name of Requesting Entity: Lowry Computer Products, Inc.

Address of Requesting Entity: 9420 Maltby Road, Brighton, MI.

Description of Request: Provide $1,200,000 to integrate the Michigan National Guard Base Security Systems with the Michigan Homeland Security required evacuation system. This system allows for the ability to scan driver's licenses, and track personnel. This is a deployable capability that will be used to electronically validate and track personnel arriving in or departing from disaster response sites. It will also allow for electronic monitoring of the location of disaster evacuees. Additionally, this will enable an internet based tracking of evacuees for relatives of disaster victims.

3. Account: Defense-Wide, Counter Drugs.

Legal Name of Requesting Entity: PBS Biotech Incorporated.

Address of Requesting Entity: 2843 East Grand River, #262, East Lansing, MI.

Description of Request: Provide $800,000 to produce a large scale single use bio reactor for rapid response to terrorism for the Department of Defense. This bioreactor will provide a simple, fast and economic method of producing biological agents in large capacity.

4. Account: Operations and Maintenance, (BA 01: Operating Forces).

Legal Name of Requesting Entity: Peckham Industries.

Address of Requesting Entity: 2822 N. Martin Luther King Blvd., Lansing, MI.

Description of Request: Provide $2,400,000 to fund procurement of approximately 21,000 sets of Cold Weather Layering System (CWLS) for the U.S. Marines. Approximately $1.2 million will be spent on garment production, $0.96 million on materials, and $0.24 million on quality control/fielding. In direct response to the U.S. Marine Corps' unique combat needs, a Polartec Power Dry Silkweight and Polartec Power Dry Grid with flame resistant properties for use in the CWLS is currently in development.

5. Account: Other Procurement-Navy, Line: Aviation Support Equipment—Aviation Support Equipment—Aviation Life Support (P–1 Line 97).

Legal Name of Requesting Entity: Peckham Industries.

Address of Requesting Entity: 2822 N. Martin Luther King Blvd., Lansing, MI.

Description of Request: Provide $2,000,000 to fund procurement of approximately 2,000 sets of the Multi Climate Protection System (MCPS) for U.S. Navy Aircrews. Approximately $.85 million will be spent on garment production, $1.05 million on materials, and $0.1 million on quality control/fielding. The total requirement for the U.S. Navy for MCPS is 25,000 systems. Between FY 2004 and FY 2007, the Navy and Congress have provided enough funding for fielding of only 25% of the required systems. In FY 2008, Congress allocated $2 million for the program. In FY 2007 the House and Senate Armed Services Committees addressed the need for MCPS in their authorization bills. The House authorization text reads, ''The committee strongly encourages the Department of the Navy to include the necessary funds for the MCPS in its future budget requests to meet MCPS requirements.''

EARMARK DECLARATION

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. LEWIS of California. Madam Speaker, pursuant to Republican earmark guidance, I am submitting the following:

Requesting Member: Congressman JERRY LEWIS.

Project Name: Advanced Technology Sensors and Payloads.

Account: RDTE, DW.

Legal Name of Requesting Entity: Trident Systems.

Address of Requesting Entity: 1615 Orange Tree Lane #104, Redlands, CA 92374.

Description of Request: This funding will be used to research the production of a suite of

new communications, control and data exploitation capabilities for use with multiple existing and planned Unmanned Aerial Vehicles (UAVs). This project will provide Special Operations Forces (SOF) and other end-users with an Advanced, Miniaturized, Frequency-Agile Communication & Control (AMFACC) system, consisting of a secure, long-range, high-bandwidth, frequency-agile communications link; a common payload control and data exploitation capability for use across multiple payloads (e.g., cameras, radar systems, infrared sensors); and a streamlined vehicle control interface. This project will provide several critically-needed capabilities to extend the reach and operational flexibility of UAVs in theater.

Amount: $2,000,000.00.

Requesting Member: Congressman JERRY LEWIS.

Project Name: Carbon Nanotube Thin Film Devices for Portable Power.

Account: RDTE, Defense Wide.

Legal Name of Requesting Entity: University of California, Riverside.

Address of Requesting Entity: 900 University Avenue, Riverside, CA 92521.

Description of Request: This funding will be used to continue the research and development carbon nanotube technology for portable power. Recently scientists at the Center for Nanoscience for Defense at the University of California-Riverside have introduced a revolutionary improvement to hydrogen fuel cells by fabricating some of the important components from thin films of carbon nanotubes (CNTs). The UltraCell fuel cell platform has already been selected by the Army and if the CNT fuel cell technology could be adapted to this system there is the possibility of a new generation of simpler and more compact fuel cells, which will reliably deliver power at lower cost than conventional fuel cells. In order to bring these two technologies together it is necessary to engineer high temperature membranes in combination with gas diffusion electrodes composed of thin films of carbon nanotubes.

Amount: $2,000,000.00.

Requesting Member: Congressman JERRY LEWIS.

Project Name: Center for Commercialization of Advanced Technology.

Account: RDTE, N.

Legal Name of Requesting Entity: California State University, San Bernardino.

Address of Requesting Entity: 5500 University Parkway, San Bernardino, CA 92407.

Description of Request: This funding will be used to further a collaborative partnership with California State University, San Bernardino (CSUSB), San Diego State University, and the Space and Naval Warfare Systems Center, San Diego, along with other government, academic, and industry representatives. This partnership offers a proven process for accelerating technology to meet priority military and homeland defense requirements. It integrates current technology transfer and commercialization efforts. Find high-tech solutions for DoD, national priorities to assist researchers in laboratories in commercializing new technologies, and develop educational infrastructure to train managers and entrepreneurs. The commercialization of advanced technology promotes business and entrepreneurial ventures. Key focus on commercializing technologies developed in government labs and/or funded under the SBIR program, transitioning technologies from the commercial sector to meet government priorities. With continued military efforts in the War on Terrorism, Homeland Defense initiatives, the need for advanced technological solutions for personnel protection, enhanced situational awareness, NBCR protection, and critical military operations is paramount.

Amount: 2,500,000.00.

Requesting Member: Congressman JERRY LEWIS.

Project Name: Conventional Strike Mission Integration Demonstration.

Account: RDTE, Air Force.

Legal Name of Requesting Entity: Northrop Grumman.

Address of Requesting Entity: 862 Hospitality Lane, #100, San Bernardino, CA.

Description of Request: This funding will be used to continue the research and development of the Conventional Strike Mission Integration Demonstration. The Commander, U.S. Strategic Command (STRATCOM), has expressed great interest in a capability for prompt conventional-weapon strike against time-urgent high value targets such as Weapons of Mass Destruction (WMDs) at global ranges from the U.S. The objective is to provide military options at times of national crisis, or when our homeland or our allies are threatened by an imminent and devastating attack. A conventionally armed ballistic missile provides a transformational capability with the promptness and assured defense penetration to defeat small numbers of extremely time critical targets. This funding will produce demonstrations which will provide validation of Prompt Global Strike (PGS) command and control concepts to ensure mission success, while addressing the constraints of missile-based conventional warfare, including maintenance of a ''clear bright line'' between nuclear and conventional capabilities.

Amount: $6,000,000.00.

Requesting Member: Congressman JERRY LEWIS.

Project Name: Cyber Threat Analytics.

Account: RDTE, Army.

Legal Name of Requesting Entity: Metaflows/SRI.

Address of Requesting Entity: 22 N. 6th Street, Redlands, CA 92373.

Description of Request: Cyber-TA is a research project to develop the next-generation of real-time national-scale Internet-threat analysis technologies, and conduct critical deployment evaluation and operational transition of new research concepts in large-scale network defense to protect critical DoD and IC networks. Cyber-TA has brought together many of the world's most established researchers across the fields of data privacy, cryptography, malware and intrusion detection research, as well as operational experts in Internet-scale sensor management, to develop leading edge solutions to the evolving threat of increasingly virulent and wide-spread self-propagating malicious software.

Amount: $3,000,000.00.

Requesting Member: Congressman JERRY LEWIS.

Project Name: Center for Innovative Geospatial Technology.

Account: Intelligence Activities.

Legal Name of Requesting Entity: ESRI.

Address of Requesting Entity: 380 New York Street, Redlands, CA 92373.

Description of Request: This funding will be used to continue activities such as modeling homeland security hazard assessments and responses at the Center for Innovative Geospatial Technology.

Amount: $10,000,000.00.

Requesting Member: Congressman JERRY LEWIS.

Project Name: Collaboration Gateway.

Account: RDTE, DW.

Legal Name of Requesting Entity: Trident Systems.

Address of Requesting Entity: 1615 Orange Tree Lane, Redlands, CA 92374.

Description of Request: This project fulfills an urgent need to establish effective, certified cross-domain collaboration among multiple security domains at different security levels in a Coalition operations context. Building on successful research conducted under SBIR topic AF05-093, this project will provide the software, hardware, and certification testing necessary to enable multiple Coalition nations to collaborate while enforcing each nation's security requirements. The product of this research will be a complete Coalition Cross-Domain Collaboration environment, including all software, hardware, documentation, and test results to support certification of the final product by the Unified Cross Domain Management Office (UCDMO). This project will also support installation, tailoring, and site accreditation for a Coalition environment of interest.

Amount: $1,500,000.00.

Requesting Member: Congressman JERRY LEWIS.

Project Name: Integrated Information Technology Policy Analysis Research.

Account: RDTE, Army.

Legal Name of Requesting Entity: California State University, San Bernardino.

Address of Requesting Entity: 5500 University Parkway, San Bernardino, CA 92407.

Description of Request: This is a collaborative effort, California State University, San Bernardino with the Army Research Laboratory, advancing the Army's transformation to Network Centric Operations (NCO)/Network Centric Warfare through Integrated Information Technology Policy Analysis Research. The objective is to translate an information advantage into a warfighting advantage through robust networking of geographically dispersed forces. This project seeks to provide analyses of policy barriers and enhance web-based technology for commanders to effectively get needed information to soldiers expeditiously. The Army faces ongoing challenges in implementing NCO which demands continuous and rapid transition of information technology into defense systems. The Army must keep policy impacting IT security in sync with those technology advances. In terms of access to classified data, a tremendous gap exists between technological capability and legal and governmental doctrine.

Amount: $2,000,000.00.

Requesting Member: Congressman JERRY LEWIS.

Project Name: Inter Turbine Burner for Turbo Shaft Engines.

Account: RDTE, Army.

Legal Name of Requesting Entity: Advanced Projects Research Incorporated.

Address of Requesting Entity: 26770 W Street, San Bernardino, CA 92408.

Description of Request: The Inter Turbine Burner is an engine alteration that adds a second combustor within a turbo shaft engine to increase power output and engine.efficiency.

This technology can be used as an upgrade to existing engines to provide greater power and performance in response to increased air or ground vehicle capability requirements and can be incorporated in new engine designs to provide both higher performance and greater fuel efficiency at lower engine speeds. This technology can be used on helicopters such as the UH–60 Blackhawk and military ground vehicles such as the MI Abrams tank to increase fuel efficiency and peak power.

Amount: $4,000,000.00.

Requesting Member: Congressman JERRY LEWIS.

Project Name: Integrated Propulsion Analysis Tool.

Account: RDTE, AF.

Legal Name of Requesting Entity: Advatech Pacific.

Address of Requesting Entity: 1849 N. Wabash Ave., Redlands, CA 92374.

Description of Request: The Integrated Propulsion Analysis Tool (IPAT) is an engineering software application for the design and analysis of spacecraft launch vehicles. IPAT currently provides the Air Force Research Laboratory, Edwards Air Force Base with critical launch vehicle analytical capabilities that include complex, competing alternatives analysis and selection; design risk identification and mitigation; concepts of operation development; and life-cycle system cost, schedule, and performance trade-off analysis. The Integrated Propulsion Analysis Tool directly supports many of the Air Force's new major system acquisition programs including Conventional Ballistic Missile, Prompt Global Strike, and Operationally Responsive Space. IPAT is the premier integrated analysis tool supporting this nation's leadership role in developing propulsion technologies, aerospace vehicles, tactical and strategic missiles, re-entry vehicles, and spacecraft.

Amount: $2,000,000.00.

Requesting Member: Congressman JERRY LEWIS.

Project Name: Integrated Spacecraft Engineering Tool.

Account: RDTE, Air Force.

Legal Name of Requesting Entity: Advatech Pacific.

Address of Requesting Entity: 1849 N. Wabash Ave., Redlands, CA 92374.

Description of Request: This funding will further research on life cycle cost/risk modeling software. This software accurately characterizes the cost of a space program and allows Air Force acquisition leadership to understand the impacts of design decisions during the very early phases of the program when knowledge-based decisions yield the highest life-cycle cost savings. The Integrated Spacecraft Engineering Tool (ISET) program quantifies a program's cost/risk uncertainties statistically, with particular focus upon technology readiness levels and their relevant cost and risk impacts.

Amount: $2,000,000.00.

Requesting Member: Congressman JERRY LEWIS.

Project Name: Synchrotron-Based Scanning Research Neuroscience and Proton Institute.

Account: RDTE, Army.

Legal Name of Requesting Entity: Loma Linda University Medical Center.

Address of Requesting Entity: 11175 Campus Drive, Loma Linda, CA 92354.

Description of Request: The Synchrotron-based Neuroscience and Proton Institute (NSPI) is pioneering new possibilities in medical technology and neuroscience for the service of patients with previously untreatable benign diseases. The potential of the NSPI is to successfully expand efforts in the treatment of people with currently uncontrollable serious behavioral conditions, including military personnel and veterans suffering from Post-Traumatic Stress Disorder as well as persons who are currently incarcerated in prisons and who volunteer for this treatment. Eventually the treatment would be an available medical option to all persons seeking a non-invasive, non-drug alternative to behavioral disorders and reactions, both in the military and civilian populations.

Amount: $5,000,000.00.

Requesting Member: Congressman JERRY LEWIS.

Project Name: M156 MI–RAMS.

Account: P, Army.

Legal Name of Requesting Entity: Magneto Inductive Systems Limited.

Address of Requesting Entity: 115 Del Rosa Drive, San Bernardino, CA 92408.

Description of Request: The Magneto Inductive Remote Activation Munitions System (MI–RAMS) provides command and control of land based ordnance, including tactical demolitions, munitions, signals, active barriers required for terrain dominance by US Army Combat Engineer Forces and Army and Navy Special Operations Forces (SEALs) in the harsh urban, littoral, dense jungle, blue water (to include ice fields), desert, and arctic conditions. It provides the ability to remotely initiate and/or control tactical ordnance items for target neutralization through buildings, concrete, metal, subterranean structures, tunnels, caves, and under water which current radio frequency devices cannot accomplish.

Amount: $3,500,000.00.

Requesting Member: Congressman JERRY LEWIS.

Project Name: MI–RAMS.

Account: RDTE, Army.

Legal Name of Requesting Entity: Magneto Inductive Systems Limited.

Address of Requesting Entity: 115 Del Rosa Drive, San Bernardino, CA 92408.

Description of Request: The Magneto Inductive Remote Activation Munition System (MI–RAMS) provides command and control of land based ordnance, including tactical demolitions, munitions, signals, active barriers required for terrain dominance by US Army Combat Engineer Forces and Army and Navy Special Operations Forces (SEALs) in the harsh urban, littoral, dense jungle, blue water (to include ice fields), desert, and arctic conditions. It provides the ability to remotely initiate and/or control tactical ordnance items for target neutralization through buildings, concrete, metal, subterranean structures, tunnels, caves, and under water which current radio frequency devices cannot accomplish. Funding will provide for LRIP/Type Classification efforts of a dual frequency hybrid B receiver and key system enhancements to increase functionality to include a digital display to enhance ease-of-use for combat engineers.

Amount: $3,500,000.00.

Requesting Member: Congressman JERRY LEWIS.

Project Name: Norton AFB Infrastructure Improvements.

Account: OM, Defense Wide.

Legal Name of Requesting Entity: Inland Valley Development Agency.

Address of Requesting Entity: 294 S. Leland Norton Way, Suite 1, San Bernardino, CA 92408.

Description of Request: The OEA in the Department of Defense is tasked to assist communities that are adversely impacted by Defense program changes, including base closures or realignments, base expansions, and contract or program cancellations. The San Bernardino International Airport, formerly Norton Air Force Base, is a 2,100-acre facility, wholly within the jurisdiction of the City of San Bernardino. Officially closed as a military base in March of 1994, the former Base has been operated by two joint powers authorities, the Inland Valley Development Agency (IVDA) which was formed in 1990, and the San Bernardino International Airport Authority (SBIAA) which was formed in 1992. The IVDA and the SBIAA are in the process of replacing and upgrading the infrastructure of the former Norton Air Force Base. These improvements include ongoing base structure repair and environmental remediation, water system improvements and base floodwater runoff mitigation. In addition to the federal funds requested, the IVDA and the SBIAA are committing their own significant financial resources to the various projects.

Amount: $6,000,000.00.

Requesting Member: Congressman JERRY LEWIS.

Project Name: Spintronics Memory Storage Technology.

Account: RDTE, Defense Wide.

Legal Name of Requesting Entity: University of California, Riverside.

Address of Requesting Entity: 900 University Avenue, Riverside, CA 92521.

Description of Request: This project aims to take advantage of recent advances in nanomaterials, nanodevices and spintronics to bring about revolutionary advances in magnetic storage technologies and to develop chip-scale packaging and thermal dissipation solutions for this new generation of devices. Current hard disk drives are now contending with the superparamagnetic limit which limits the magnetic grain size for recording information. In this effort we will explore the use of multilevel recording techniques and examine the use of new nanomaterials for the development of highly efficient thermal interface materials in order to accommodate the high thermal dissipation required in compact devices.

Amount: $3,000,000.00.

Requesting Member: Congressman JERRY LEWIS.

Project Name: Advanced Starting Systems.

Account: OM, Army National Guard.

Legal Name of Requesting Entity: Northstar JPS.

Address of Requesting Entity: 1675 Cabrera Ave, San Bernardino, CA 92411.

Description of Request: The funding would be used for the production of air and ground multiple start advanced starting systems for the Army National Guard.

Amount: $500,000.00.

Requesting Member: Congressman JERRY LEWIS.

Project Name: Technology Commercialization and Management Network.

Account: RDTE, Army.

Legal Name of Requesting Entity: California State University, San Bernardino.

Address of Requesting Entity: 5500 University Parkway, San Bernardino, CA 92407.

Description of Request: In collaboration with the Army Research Laboratory (ARL) California State University, San Bernardino (CSUSB) supports Technology Commercialization and Management Network through the Integrated Technology Transfer Network (ITTN). The program strengthens the Army's capacity in defense by identifying and fast-tracking the transfer of technology, improving situational intelligence for commanders and soldiers in the field, and leveraging and enabling interdependent and network-centric warfare. The future commercialization of technologies will require a special combination of skills that traverse the boundaries of entrepreneurship, business, and science. The ITTN program addresses this by implementing a comprehensive program of training, to perform research and work in the Army Laboratory and technology companies. Students acquire special skills needed through an intensive applied curriculum of business and entrepreneurship courses, experiential learning through apprenticeships and mentoring with CSUSB faculty and the Army Research Laboratory.

Amount: $2,000,000.00.

Requesting Member: Congressman JERRY LEWIS.

Project Name: Facility Security using Tactical Surveys.

Account: RDTE, DW.

Legal Name of Requesting Entity: Tactical Survey Group.

Address of Requesting Entity: 2800 North Little Mountain Drive, Bldg D, San Bernardino, CA 92405.

Description of Request: The Tactical Survey System is an innovative computer-based, interactive tool that provides crisis personnel access to a vast database of reliable pre-incident information on a facility, thereby enhancing their ability to effectively respond to an emergency situation. The Tactical Survey System includes immersive imagery with embedded tactical intelligence including hazardous material types and locations, aerial photos, ingress and egress videos, key personnel, building construction information, utility shutoff locations with instructions, communications infrastructure, fire fighting assets, fire and security alarm systems, and perimeter control systems. Completion of a survey at a federal installation also then allows precise advanced planning of emergency response, conduct of realistic exercises, and detailed training of individuals.

Amount: $3,000,000.00.

Requesting Member: Congressman JERRY LEWIS.

Project Name: Tactical Video Capture System.

Account: P, Marine Corps.

Legal Name of Requesting Entity: L3 Communications.

Address of Requesting Entity: 600 Third Ave, NY, NY 10016.

Description of Request: Initiated by DARPA research funds, the Tactical Video Capture System (TVCS) was developed as the first intelligent video system that provides Real-Time Visualization, Situation Awareness, and After Action Review for the USMC Pre-Deployment Training Program and particularly for urban warfare training operations. Praetorian is an operating system that stitches live or recorded video onto a textured 3D model of the training site's terrain and infrastructure. TVCS provides intuitive, easily understood situational awareness in 3D context from large numbers of video feeds on a single screen. Praetorian also allows an on-the-ground trainer to see video on mobile PDA's, so they are equipped with actionable information. From remote TVCS stations, trainers will have the ability to effortlessly move through the width, depth, and height of the training area with full visual awareness of events as they unfold.

Amount: $4,000,000.00.

Requesting Member: Congressman JERRY LEWIS.

Project Name: Geospatial Intelligence Analysis Education.

Account: Intelligence Activities.

Legal Name of Requesting Entity: University of Redlands.

Address of Requesting Entity: 1200 East Colton Ave, PO Box 3080, Redlands, CA 92373.

Description of Request: This project supports continuing efforts to strategically enhance the human and scientific infrastructure of the Intelligence Community (IC), as well as other federal agencies which employ staff who should be using advanced Geospatial Analysis methods. The effort involves collaborating with the Intelligence and Federal Geospatial Communities in the design, development, and implementation of a professionally-oriented graduate education program, including research, short courses and basic studies in geographic information science (GIS). A key objective is to equip officers at federal agencies with advanced geospatial analysis skills.

Amount: $1,000,000.00.

Requesting Member: Congressman JERRY LEWIS.

Project Name: Micro-Satellite Serial Manufacturing.

Account: RDTE, Air Force.

Legal Name of Requesting Entity: University of Southern California.

Address of Requesting Entity: USC, Los Angeles, CA 90089.

Description of Request: USC is requesting continuation of the Microsatellite Serial Manufacturing project initiated as a demonstration project in fiscal years 2006, 2007 and continued in 2008. The project is having success in developing new serial manufacturing methodologies that produce microsatellites more quickly, thereby allowing the U.S. to be responsive to national security space needs. Serial methods build families of microsatellites where the knowledge of the prior designs is harnessed serially on the next microsatellite; short cycle times (approximately 1015 months) that give important insights into the entire satellite construction process, something impossible in today's typical 10-year cycles. The project's educational outreach component supports National Security Space (NSS) and the Intelligence Community (IC) in order to provide much-needed and security-cleared graduate and undergraduate engineers for the future national security workforce.

Amount: $1,000,000.00.

EARMARK DECLARATION

HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mrs. MILLER of Michigan. Madam Speaker, consistent with House Republican Earmark Standards, I am submitting the following earmark disclosure and certification information for two individual project authorization requests that I made and which were included within the text of H.R. 2638—The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 Bill Number H.R. 2638.

1. Requesting Member: Congresswoman CANDICE MILLER.

Bill Number: H.R. 2638.

Project Amount: $1.6 Million.

Account: Operations and Maintenance, Army PE# 423012.

Receiving Entity: Army Manufacturing Technical Assistance Production Program (MTAPP).

Address: US Army TACOM, Industrial Base Office, AMSTA–LC–IO, 6501 E Eleven Mile Rd, Warren, MI 48397.

Description of Request: MTAPP focuses on solving supply chain problems that impact the Army and Department of Defense. MTAPP solves the above-mentioned problems using small manufacturing businesses. The problems that are solved by MTAPP lead to improvement in mission capability and availability rates of Army/DoD combat and tactical vehicles. In addition, the small manufacturing businesses provide a sustainable industrial base of suppliers to support the maintenance of weapons platforms. The small businesses also provide the Defense commercial sector with a viable pool of small businesses to meet the Federal Government mandated socio-economic goals.

Matching Funds: Not applicable (Federal entity).

2. Requesting Member: Congresswoman CANDICE MILLER.

Bill Number: H.R. 2638.

Project Amount: $2.4 Million.

Account: Research, Development, Test & Evaluation, Army.

Receiving Entity: Diminishing Manufacturing Sources and Material Shortages Case Resolution Program.

Address: U.S. Army TARDEC Assoc. Director for Engineering 6501 East 11 Mile Road Warren, MI 48397.

Description of Request: The program is expected to significantly reduce the Tank-Automotive and Armaments Life Cycle Management Command's (TACOM LCMC) total ownership costs for weapons systems sustainment by using a center for directing the researching of Diminishing Manufacturing Sources and Material Shortages (DMSMS) cases affecting TACOM LCMC designing engineering solutions for cases, and testing alternatives for obsolete pars and higher-level assemblies.

Matching Funds: Not applicable. (Federal entity).

EARMARK DECLARATION

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. SMITH of Texas. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2638—The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Requesting Member: Congressman LAMAR SMITH.

Bill Number: H.R. 2638.

Account: FEMA, Predisaster Mitigation.

Legal Name of Requesting Entity: City of New Braunfels.

Address of Requesting Entity: 424 South Castell Avenue, New Braunfels, Texas 78130.

Description of Request: I have requested $360,000 for the City of New Braunfels Flood Mitigation Project. The funding would be used to complete Phase 1 of the project: the planning and engineering requirements for a flood mitigation project to alleviate persistent flooding at two road crossings of Blieders Creek on River Road in New Braunfels that affects the ability of emergency services to access areas of the City. Phase 1 will cost approximately $450,000. The city is prepared to provide $90,000, a 20% share, for Phase 1. The City has completed preliminary planning and is prepared to begin Phase 1 immediately with completion of this phase expected in 2010. The estimated cost of the full two-phase project is $3.4 million. Estimated completion timeframe for the total project is 18 to 24 months.

Requesting Member: Congressman LAMAR SMITH.

Bill Number: H.R. 2638.

Account: Department of the Army, Military Construction.

Legal Name of Requesting Entity: Fort Sam Houston.

Address of Requesting Entity: 1206 Stanley Road, Suite A, Fort Sam Houston, TX 78234–5001.

Description of Request: I have requested $96,000,000 for Fort Sam Houston. The funding would be used to construct a Trainee Barracks Complex. This project will provide a 1200 PN barracks, a Battalion Headquarters, Two Company Operation Buildings and a Central Energy Plant.

Requesting Member: Congressman LAMAR SMITH.

Bill Number: H.R. 2638.

Account: Defense Medical Program, TRICARE Management Activity, Military Construction, Defense-Wide.

Legal Name of Requesting Entity: Fort Sam Houston.

Address of Requesting Entity: 1206 Stanley Road, Suite A, Fort Sam Houston, TX 78234–5001.

Description of Request: I have requested $13,000,000 for Fort Sam Houston. The funding would be used to construct a medical instruction facility. This project provides general and applied instructional space, administrative space and automation-aided classroom space.

Requesting Member: Congressman LAMAR SMITH.

Bill Number: H.R. 2638.

Account: Navy RDT&E, PE 0604800N, Line 126, Joint Strike Fighter.

Legal Name of Requesting Entity: Albany Engineered Composites, Inc.

Address of Requesting Entity: 1281 N. Main Street, Boerne, Texas 78006.

Description of Request: I have requested $1,600,000 for JSF F–35B LiftFan Component Manufacturing at Albany Engineered Composites. The project will help ensure that the F–35B JSF Lift Fan meets critical weight and cost targets, and as such, ensure success of the F–35B Short Take-off and Vertical Landing (STOVL) when it enters into production. It would incorporate cost saving component and assembly designs, alternate materials and manufacturing process improvements targeted to save 24% in production; weight saving design improvements that will result in up to 10% component weight savings; and implement lean manufacturing methods to ensure consistent quality and efficient process flow when the F–35B version of the JSF begins to transition to higher volume production in 2010–11. The funding will be as follows: 54% of the funding will be used for engineering labor, 13% for program management, 10% for direct labor, 9% for materials and material testing, and 14% for qualifications testing and customer technical support.

Requesting Member: Congressman LAMAR SMITH.

Bill Number: H.R. 2638.

Account: Air Force RDT&E, PE 0602102F, Line 8, F–1, Material.

Legal Name of Requesting Entity: The University of Texas at Austin.

Address of Requesting Entity: FAC 400, 1 University Station G2700, P.O. Box 7397, Austin, Texas 78713–7397.

Description of Request: I have requested $1,200,000 for the Next Generation Manufacturing Processes project at the University of Texas at Austin. The proposed initiative will establish a research and education program for enhancing U.S. competitiveness in Intelligent Manufacturing. Intelligent Manufacturing requires the integration of physics-based models, state-of-the-art analysis and control, and advanced materials to develop the next generation of manufacturing processes and systems. The initial thrust will be on small lot and rapid response intelligent manufacturing that is critical to national defense, infrastructure, energy, medical products and other key areas of the U.S. manufacturing base. There are no other alternative sources of funding for this project. The university has, however, sought and received funding in support programs in specific related areas of research and development that provide significant leveraging for the requested funds.

EARMARK DECLARATION

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. HAYES. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding an earmark I received as part of the Homeland Security Appropriations bill, which is included in H.R. 2638, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Requesting Member: Congressman ROBIN HAYES

Bill Number: H.R. 2638.

Account: Homeland Security Appropriations bill, FEMA Pre Disaster Mitigation Account.

Requesting Entity: City of Kannapolis, North Carolina. The City's office is located at 246 Oak Avenue, Kannapolis, NC 28081.

Earmark Description: I received an earmark of $468,000 for the Kingston Drive Culvert Replacement project, which was requested by the City of Kannapolis. The existing structures do not provide adequate carrying capacity for the area resulting in increased flooding of upstream properties. The older neighborhood adjacent to this culvert has experienced repeated problems with flooding when multi-day rain storms occur. The neighborhood being older was not built with an adequate drainage system and, because of its age, part of the neighborhood is in a flood zone. The city has invested in a second access road to the neighborhood for residents to use when flooding occurs, but to complete the project, which will reduce the incidents of flooding dramatically, this additional funding is needed.

EARMARK DECLARATION

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. NEUGEBAUER. Madam Speaker, I submit the following:

Congressman RANDY NEUGEBAUER (TX–19).

S. 3001, National Defense Authorization Act for FY 2009.

Account: Research, Development, Testing and Evaluation, Army (R–1 Line 55).

Project: Compact Pulsed Power for Defense Applications, $3 million.

Requesting Entity: Texas Tech University, 2500 Broadway, Lubbock, TX 79409.

Percent and source of required matching funds:

The Center for Pulsed Power and Power Electronics (P3E) at TTU has an operating budget approximately of $3 million supported almost exclusively by competitive grants from DOD and DOE laboratories and relevant US contractors.

As a state-sponsored university, Texas Tech will provide the required matching funds for the research to be conducted by this project.

Justification for use of federal taxpayer dollars:

This initiative will continue the work of the P3E Center to develop compact electromagnetic radiation technology that will disrupt remote detonation electronics used in improvised roadside bombs and inner-city car-bombs. The Department of Defense's Joint MD Defeat Organization (JIEDDO) is aware of the P3E Center's technology and has invited the Center to submit an unsolicited proposal for funding from JIEDDO, which is currently pending. The P3E Center also receives support from the Office of Naval Research.

In the past 10 years, the P3E Center has focused its research in the areas of high power microwave systems, explosively driven pulsed power, compact pulsed power and ultra high-power electronics. Much of this research has been sponsored by DOD and its agencies. These technologies have matured in the last few years to a point where system integration now is possible. A great push needs to be made in this area to allow these electric weapons to reach the military now, where they are clearly needed today. Funding from this initiative will accelerate the P3E Center's research to allow the compact pulsed power technology to be fielded by the military in a shorter period of time.

EARMARK DISCLOSURE

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. MANZULLO. Madam Speaker, Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding the two earmarks I received as part of H.R. 2638, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009. H.R. 2638 is a compilation of several regular appropriations bills, including the Fiscal Year 2009 Defense Appropriations bill, which is now Division C:

The Integrated Power for Aircraft Technologies II, otherwise known as the INPACT II program, will receive $3.5 million in this bill through the Aerospace Propulsion account under the Research, Development, Test, and Evaluation (RDT&E) program at the U.S. Air Force located at the Wright-Paterson Air Force Base in Dayton, Ohio. This program will help meet the needs of the Air Force to address the demands on aircraft secondary power systems that continue to limit air vehicle improvements. The INPACT II initiative is a means to develop and mature innovative power technologies and system energy optimization methods. The initiative is comprised of discrete technology, system optimization, and integration elements that provide the enabling foundation for future air vehicles and capabilities. The program received $5.3 million in the FY '08 Defense Appropriations Act, and is a ''plus-up'' of an existing competitively won contract.

In addition, the Illinois Center for Defense Manufacturing will receive $2 million in this bill through the Combat Vehicle and Automotive Advanced Technology account under the RDT&E program at the U.S. Army. This program will be performed by Northern Illinois University (NIU), located at 1120 East Diehl Road in Naperville, Illinois, and is a joint request with Representative PHIL HARE of the 17th District of Illinois. This program will help meet the needs of the Army to develop and produce new innovative equipment at a reduced cost. The Illinois Center for Defense Manufacturing, working with its partner at the EIGERlab in Rockford, Illinois, continues to develop new applications of advanced manufacturing technology by working with small companies and bringing them into the defense supply chain. Many innovations in new technologies such as micro-machining and laser cladding are being achieved in Rockford, and this initiative will broaden the scope statewide extending to the Quad Cities located in Rep. HARE's district. Research and development efforts will also be directed to developing applications for titanium and enhancing the ability of the Rock Island Arsenal to make titanium components. The program received $3.2 million in the FY '08 Defense Appropriations Act.

Madam Speaker, I want to take this opportunity to thank the Chairman of the House Appropriations Subcommittee on Defense, Representative JOHN MURTHA, and the Ranking Minority Member, Representative BILL YOUNG, for working with me in a bipartisan manner to include these two requests in the defense portion of this spending bill.

EARMARK DECLARATION

HON. DAVID DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. DAVID DAVIS of Tennessee. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2638, the ''Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2008.''

The following projects I requested were included in the legislation considered on the floor of the House:

Bill Number: H.R. 2638.

Account: Provision of Industrial Facilities, Procurement of Ammunition, Army.

Legal Name of Requesting Entity: BAE Systems, Inc., Holston Army Ammunition Plant.

Address of Requesting Entity: Washington office—1300 North 17th Street, Suite 1400, Arlington, VA 22209; project location—4509 West Stone Drive, Kingsport, Tennessee 37660.

Description of Request: I received an earmark of $1,600,000 for the continuation of a project to upgrade and reactivate a second acid recovery site at the Holston Army Ammunition Plant in Kingsport, Tennessee. This acid recovery system is part of the physical property of the Holston Army Ammunition Plant and does not belong to the current operating contractor of the facility, BAE Systems.

All production at the Holston Army Ammunition Plant depends on the proper function of the plant's only acetic acid recovery system. Since there is currently no ready backup system, all explosives manufacturing at Holston is vulnerable to a lengthy shutdown if failure were to occur in the area of plant operations.

The acid recovery section of the Holston Army Ammunition Plant is critical to all explosives production at the facility. The equipment in this portion of the plant has deteriorated with age and use and is continually requiring both scheduled and unscheduled repairs in order to remain operational. The current demand for high explosives will not allow the existing facility to be shut down for an adequate period of time to properly refurbish it. Such a shutdown would stop all high explosives production for an extended period of time with unacceptable impacts to a large number of weapon systems.

The Holston Army Ammunition Plant has a second acid recovery system on site, but it has not operated since the early 1970s and needs substantial work to be brought on line. Modernization, upgrading, and reactivation of this system could be completed without interrupting production. Once completed, the existing facility will be held for reserve/backup capability, allowing Holston production to be protected against a failure in the system. Upon completion, the new system will become the primary system and the aging, deteriorating system will become the secondary backup, and this request is consistent with the Army's modernization plans for Holston.

Bill Number: H.R. 2638.

Account: Weapons and Munitions Technology, Research, Development, Test, and Evaluation, Army.

Legal Name of Requesting Entity: Aerojet Ordnance Tennessee, Inc.

Address of Requesting Entity: HQ—P.O. Box 13222, Sacramento, CA 95813–6000, project location—1367 Old State Route 34, Jonesborough, TN 37659.

Description of Request: I received an earmark of $2,000,000 for a project that will research alternatives to the use of depleted uranium. The Department of Defense is actively reviewing replacement materials for depleted uranium (DU) because of concerns of radioactivity and toxicity. This project looks at ways to determine whether or not tungsten can be a viable alternative to DU. The funding for the study will be broken down into the following categories and the review of four leading alternatives:

$600,000 for U.S. Army Armament Research, Development, and Engineering Center Oversight.

$453,000 for the study of the layered long rod composite approach.

$494,000 for the study of nanostructures for severe plastic deformation.

$238,000 for the study of steel jacketed tungsten penetrators.

$215,000 for the study of infiltrated solid state sintered penetrators.

EARMARK DECLARATION

HON. HOWARD P. ''BUCK'' McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. MCKEON. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part, of H.R. 2638, ''The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009. This submission is in addition to my prior submission of an earmark contained in the Military Construction and Veterans Affairs Appropriations Act for Fiscal Year 2009.''

Requesting Member: Congressman HOWARD ''BUCK'' MCKEON.

Bill Number: H.R. 2638, the ''Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: Research Development Test and Evaluation, Air Force.

Legal Name of Requesting Entity: Advatech Pacific, Inc.

Address of Requesting Entity: 950 E. Palmdale Blvd., Suite C, Palmdale, CA 93550.

Description of Request: At my request, $1.2 million for the continued operation of the Advanced Vehicle Propulsion Center (AVPC) is included in the Defense Appropriations Act for Fiscal Year 2009. The AVPC, which provides the Air Force with a unique, world-class engineering modeling and simulation environment for analysis and engineering of current and future space vehicles, missiles, and advanced weapon concepts. The AVPC leverages and integrates the best engineering, analysis, and cost tools from government, industry, and academia. The AVPC directly supports analyses of alternatives, the fundamental first step in the formal DOD weapon systems acquisition process and plays a key role directly supporting the following Air Force Research Laboratory programs at Edwards Air Force Base: Prompt Global Strike, Common Aero Vehicle, Operationally Responsive Space for strategic

and tactical commanders, and Conventional Ballistic Missile. AVPCs detailed technical engineering analysis also provides cost versus risk trade-off analysis across missions, systems, operations, and infrastructures.

Requesting Member: Congressman HOWARD "BUCK" MCKEON.

Bill Number: H.R. 2638, the "Consolidated Security, Disaster Assistance, Appropriations Act, 2009.

Account: Research Development Test and Evaluation, Air Force.

Legal Name of Requesting Entity: Aerojet-General Corporation.

Address of Requesting Entity: P.O. Box 13222, Sacramento, CA 95813–6000, USA.

Description of Request: At my request, $1.4 million to help return the Hydrocarbon Boost Technology Demonstrator program to its initial programmed funding level is included in the Defense Appropriations Act for Fiscal Year 2009. This critical, next-generation liquid rocket engine development effort run by the Air Force Research Laboratory at Edwards AFB will not only provide the highest performing hydrocarbon engines ever developed in the United States, but also will provide higher operability, lower costs and greater safety with higher reliability than any liquid booster engine ever made in the U.S. and perhaps the world. Since the federal government is the primary end-user, it is logical that federal funding support the initiative. While a match is not required, during the past eight years, Aerojet has invested approximately $30 million in internal research and development funding on this technology and intends continued support in FY09.

Requesting Member: Congressman HOWARD "BUCK" MCKEON.

Bill Number: H.R. 2638, the "Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: Research Development Test and Evaluation, Army.

Legal Name of Requesting Entity: Curtiss-Wright Controls Embedded Computing.

Address of Requesting Entity: 28965 Avenue Penn, Santa Clarita, CA 91355, USA.

Description of Request: At my request, $2.4 million to develop a Common Ground Combat System electronic architecture prototype is included in the Defense Appropriations Act for Fiscal Year 2009. This project will include replacement of legacy military standard based data-bus components with modem commercial standards based network centric capable components, the consolidation of obsolete electronic subsystems into common electronic modules and assemblies providing greatly reduced space, weight, and power consumption and the implementation of a two-level maintenance approach using newly standardized commercial electronic module technology. Funding is intended to be spent on program management, electronics obsolescence study, electronics commonality study, design concept development, design concept demonstrators, and a heavy brigade combat team Modular Open Systems Approach (MOSA) application report. The advantage of this approach to the Department of the Army is an evolutionary capability migration allowing the Future Force to operate with the current force. This project can be completed in FY09.

Requesting Member: Congressman HOWARD "BUCK" MCKEON.

Bill Number: H.R. 2638, the "Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: Research Development Test and Evaluation, Navy.

Legal Name of Requesting Entity: Aerojet-General Corporation.

Address of Requesting Entity: P.O. Box 13222, Sacramento, CA 95813–6000.

Description of Request: At my request, $800,000 in project funding for risk reduction of the High Speed Anti-Radiation Demonstration (HSAD) is included in the Defense Appropriations Act for Fiscal Year 2009. Following a successful test flight of the HSAD, this funding will be spent for Navy program management, tactical missile component design development and analysis, lightweight ramjet engine component testing, ramjet engine safety engineering and analysis, guidance system conceptual design, and operational analysis. The basic HSAD program focuses on demonstrating the feasibility and viability of using variable flow ducted rocket propulsion technology for the propulsion portion of planned advanced weapon systems. This request is consistent with the intended and authorized purpose of the account and the project is under the direction of the Naval Air Warfare Center.

Requesting Member: Congressman HOWARD "BUCK" MCKEON.

Bill Number: H.R. 2638, the "Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: Other Procurement, Army.

Legal Name of Requesting Entity: General Atomics.

Address of Requesting Entity: 3550 General Atomics, San Diego, CA 92186–5606.

Description of Request: At my request, $1.6 million in project funding for the U.S. Army Warrior UAV program is included in the Defense Appropriations Act for Fiscal Year 2009. SAR/GMTI radar is an integral part of the U.S. Army Warrior program. A current buy of six Warrior Block 0 aircraft has no provision for radars. Included funding will be used for to procure Lynx II SAR/GMTI radars and spares for the Army's six Warrior Block 0 aircraft. Integration of Lynx II on the Warrior Block 0 aircraft will provide a fleet of aircraft with common radar and the highest level of all weather, broad area surveillance capability.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Ms. WOOLSEY. Madam Speaker, on September 23, 2008, I was unavoidably detained and was not able to record my vote for Rollcall No. 626.

Had I been present I would have voted: Rollcall No. 626—Yes—Elder Abuse Victims Act of 2008.

EARMARK DECLARATION

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. SHUSTER. Madam Speaker, consistent with the Republican Leadership's policy on earmarks, I am placing this statement in the CONGRESSIONAL RECORD.

Requesting Member: Congressman BILL SHUSTER (PA–9).

Bill Number: H.R. 2638—The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Military Construction Projects were previously disclosed in a statement on H.R. 6599—The Military Construction and Veterans Affairs FY09 Appropriations bill.

Defense Appropriations Projects

Project Name: Expeditionary Persistent Power.

Account: Research, Development, Test, and Eval, Defensewide.

Legal Name of Requesting Entity: Mission Critical Solutions, LLC.

Address of Requesting Entity: 271 Industrial Lane, Alum Bank, PA 15521.

Description of Request/Justification of Federal Funding: $1.6 million for Expeditionary Persistent Power.

It is my understanding that funding will be used for research, development, testing, and evaluation. This program builds on the recent success and advancements in ground based power and alternative propulsion systems for USSOCOM as well as advancements in the ultra thin film solar and small wind driven regeneration systems. The power/propulsion system will use latest-generation, commercially available Li-ion polymer batteries storing power from wind, solar, and regeneration techniques.

USSOCOM has a continuing requirement for Expeditionary Power and Clandestine Propulsion Systems for ground, marine, and UVs for all operations environments and tactical scenarios.

It is also my understanding that approximately 55 percent of funding would be used for labor costs, approximately 40 percent of funding would be used for materials, and approximately 5 percent of funding would be used for travel and other costs.

Project Name: Fire Support Technology Improvement Program.

Account: Research, Development, Test, & Eval, Army.

Legal Name of Requesting Entity: Szanca Solutions, Inc.

Address of Requesting Entity: 100 East Pitt Street, Suite 300, Bedford, PA 15522.

Description of Request/Justification of Federal Funding: $800,000 for Fire Support Technology Improvement Program.

It is my understanding that funding for this project would be used for research, development, testing, and evaluation to leverage and develop advanced artillery battle management technologies and to integrate these advanced technologies into the Army fire support modernization initiatives.

This program will help in Battlefield Damage Assessment (BDA) for target re-fire, to include target of opportunity avoidance due to weighted benefits of a current intel information resource that is supplying crucial tactical intel information. This effort will also decrease the time from target identification to firing. The program will also provide Theater Commanders with the intelligence to determine if a fire mission may affect critical infrastructures or resources (water and oil pipelines, power lines or support facilities) that are critical to the civilian population.

It is also my understanding that approximately 80 percent of funding would be used

for staff, approximately 17 percent of funding would be used to design and implement a test facility, and approximately 3 percent of funding would be used for travel and other costs.

Project Name: Maritime C4ISR System.

Account: Research, Development, Test, & Eval, Army.

Legal Name of Requesting Entity: Mission Critical Solutions, LLC.

Address of Requesting Entity: 271 Industrial Lane, Alum Bank, PA 15521

Description of Request/Justification of Federal Funding: $800,000 for Maritime C4ISR System.

It is my understanding that funding would be used for research, development, testing, and evaluation. This project would be used to support C4ISR situations awareness for maritime protection activities. The Maritime C4ISR System is a comprehensive suite of sensor devices together with IP based network communications to support C4ISR situational awareness for maritime protection activities.

The system was conceived for port and coastal security missions requiring enhanced situational awareness, integrating and fusing existing sensors via IP. The Maritime C4ISR system allows the user to manage several complex and diverse tasks simultaneously through remote access, automation, information management, and the development or enhancement of decision aids to simplify decision-making and support defensive action by joint forces.

It is also my understanding that approximately 50 percent of funding would be used for labor, approximately 42 percent of funding would be used for material, and approximately 8 percent of funding would be used for travel and other costs.

Project Name: Hospital Emergency Planning and Integration (HEPI).

Account: Research, Development, Test, & Eval, Army.

Legal Name of Requesting Entity: L. Robert Kimball & Associates.

Address of Requesting Entity: 615 W. Highland Avenue, P.O. Box 1006, Ebensburg, PA 15931. The project will be located at the Letterkenny Army Depot and the Chambersburg Hospital in Franklin County, Pennsylvania.

Description of Request/Justification of Federal Funding: $800,000 for Hospital Emergency Planning and Integration.

It is my understanding that funding for this project would be used for research, development, testing, and evaluation to establish a network of regional communication and collaboration centers, fielded by the Department of Defense (DOD) that will provide technology to emergency responders for day-to-day use and will provide a system for execution of the DOD Homeland Defense mission. The development of enterprise architecture will link existing state and local systems with the DOD and other federal agencies.

It is also my understanding that approximately 85 percent of funding would be used for the expansion of the HEPI program throughout the South Central Counter-Terrorism Task Force Region and approximately 15 percent of funding would be used to enhance and refine HEPI program capabilities.

Project Name: Rural Health (CERMUSA).

Account: Research, Development, Test, & Eval, Army.

Legal Name of Requesting Entity: St. Francis University.

Address of Requesting Entity: 117 Evergreen Drive, P.O. Box 600, Loretto, PA 15940.

Description of Request/Justification of Federal Funding: $2.4 million for Rural Health (CERMUSA).

It is my understanding that funding for this project would be used for research, development, testing, and evaluation to continue the St. Francis University Center of Excellence for Remote & Medically Under-Served Areas (CERMUSA) national test bed for research in telehealth, distance learning, telerehabilitation, and associated technologies.

It is also my understanding that approximately 60 percent of funding would be used for a test bed for informational technologies, approximately 25 percent for a test bed for telehealth, telerehabilitation, and healthcare education research, and approximately 15 percent for a distance learning test bed for rural and under-served areas.

EARMARK DECLARATION

HON. CHARLES W. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. DENT. Madam Speaker, I submit the following for the RECORD:

Requesting Member: Congressman CHARLES W. DENT.

Bill Number: H.R. 2638, Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: Operation and Maintenance, Army.

Legal Name of Requesting Entity: ProModel Corporation.

Address of Requesting Entity: 7540 Windsor Drive, Suite 300, Allentown, PA 18195.

Description of Request: $2,000,000 is included to accelerate the deployment and enhance the current capabilities of the ProModel Army Force Generation Synchronization Tool (AST). This technology enables the Army to capture the Army Force Generation Model (ARFORGEN) process in software, providing decision makers the ability to rapidly create Courses of Action and predict the impact of their decisions on key metrics such as Dwell and Boots on Ground. The ability through automation to run ''what ifs'' to assess risk on readiness is recognized as a key priority for the Army and Joint Forces.

Requesting Member: Congressman CHARLES W. DENT.

Bill Number: H.R. 2638, Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: Research, Development, Test and Evaluation (RDTE), Army.

Legal Name of Requesting Entity: Air Products and Chemicals, Inc.

Address of Requesting Entity: 7201 Hamilton Boulevard, Allentown, PA 18195.

Description of Request: $3,200,000 for Ballistic Armor Research to evaluate the emerging role of polymers as an active and/or passive component of armor systems will enable the next generation of protection for military personnel. While the federal government has supported the installation of new armor systems, materials selection remains limited, and the fundamental understanding of how to improve system performance and quickly deploy new armor systems in the field is not well developed. This project partners industry with a strategic university to conduct research under the leadership of the U.S. Army Research Lab to develop polymers and materials that will provide functional armor solutions to DOD. Army programs will directly benefit from the research through its ability to rapidly screen materials and determine their protection value, and understand how materials undergo physical and chemical changes during blast and impact.

Requesting Member: Congressman CHARLES W. DENT.

Bill Number: H.R. 2638, Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: Research, Development, Test and Evaluation (RDTE), Army.

Legal Name of Requesting Entity: Edmund Optics, Inc.

Address of Requesting Entity: 601 Montgomery Avenue, Pennsburg, PA 18073.

Description of Request: $2,320,000 is included to advance Precision Molding Manufacturing Technology for Infrared Aspheric Optics. Infrared imaging technology is integrated in missile guidance, airborne reconnaissance, and situation awareness for soldiers, police, and fire fighters. It presents the only viable solution for sight in total darkness, dense fog and smoke. This technology enables the armed forces to detect and identify threats, then engage and defeat the enemy at a safe distance. Production techniques for aspheric optics have limitations, as current solutions are either low-cost or high-performance but not both. Similarly, aspheres in thermal applications are produced using expensive machining techniques and costly raw materials. Molding, an alternative production technique, is the only feasible means to generate cost-effective precision infrared aspheric lenses. It is critical to shift infrared optics production from expensive machining to cost-effective precision molding.

Requesting Member: Congressman CHARLES W. DENT.

Bill Number: H.R. 2638, Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: Research, Development, Test and Evaluation (RDTE), Defense Wide.

Legal Name of Requesting Entity: Lehigh University.

Address of Requesting Entity: 27 Memorial Drive West, Bethlehem, PA 18015.

Description of Request: $1,600,000 for Document Analysis and Exploitation to develop and disseminate efficient technologies to extract information of importance from scanned document images regardless of the condition of the document and across a variety of key languages. As part of DARPA's newly-initiated MADCAT program (Multilingual Automatic Document Classification Analysis and Translation), new document analysis techniques and systems focused on processing Arabic handwriting are being developed. Currently, resources are underutilized because many documents exist only in hardcopy form and are often written in a foreign language using a non-Roman-script such as Arabic, Chinese (Kanji) or Korean (Hangul). This project will reduce errors in translation, help identify which documents need to be reviewed, and clear the massive backlog of captured documents from Iraq and Afghanistan that may have intelligence value.

Requesting Member: Congressman CHARLES W. DENT.

Bill Number: H.R. 2638, Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: Research, Development, Test and Evaluation (RDTE), Navy.

Legal Name of Requesting Entity: Curtiss-Wright Corporation, Engineered Pump Division.

Address of Requesting Entity: 222 Cameron Drive, Suite 200, Phillipsburg, NJ 08865.

Description of Request: $1,000,000 for the Landing Craft Composite Lift Fan project which will support design, development and domestic manufacture of prototype composite material lift fans for application on current and next generation Navy landing craft vessels. This initiative addresses a persistent problem the Navy has been having with current generation metal lift fans, which are now replaced on average about every 2–4 months due to corrosion, wear and tear. Utilization of this composite material technology in current and future generation landing craft lift fans would result in maintenance savings and will increase the ship availability, critical in an ever-decreasing fleet budget.

Requesting Member: Congressman CHARLES W. DENT.

Bill Number: H.R. 2638, Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: Research, Development, Test and Evaluation (RDTE), Army.

Legal Name of Requesting Entity: Neuromonics, Inc.

Address of Requesting Entity: 2810 Emrick Boulevard, Bethlehem, PA 18020.

Description of Request: $1,000,000 is included to support the Chronic Tinnitus Treatment Program, a breakthrough tinnitus treatment device (patented, FDA-cleared, and non-military clinically-tested) and program that is designed to interact, interrupt, and desensitize tinnitus disturbance for long-term benefit, especially in those suffering with chronic and severe tinnitus. The treatment program combines the use of acoustic stimulation with a structured program of counseling. The Army reports that tinnitus is among the top medical complaints of soldiers returning from OIF/OEF, particularly given the high incidence of Traumatic Brain Injury/mild Traumatic Brain Injury (TBI/mTBI). Until recently, no effective treatment program has existed to help individuals suffering with the effects of tinnitus. This funding will allow military researchers to implement the chronic tinnitus treatment program and develop important baseline data to determine the effectiveness, usefulness, and long-term benefit of the program for military servicemembers suffering with tinnitus.

Requesting Member: Congressman CHARLES W. DENT.

Bill Number: H.R. 2638, Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: Research, Development, Test and Evaluation (RDTE), Army.

Legal Name of Requesting Entity: International Battery, Inc.

Address of Requesting Entity: 6845 Snowdrift Road, Allentown, PA 18106.

Description of Request: $2,400,000 is included for the Lithium Ion Battery Exchange Program to demonstrate the increased capability of the Lithium Ion 6TLi Battery as opposed to the current lead acid battery in the Army Theater of Operation. The 6TLi Battery Exchange Program will provide added capability of four times the energy, half the weight, a significantly longer life and enhanced combat readiness as compared to the current lead acid battery. The 6TLi battery has been engineered to the same dimensions of the current lead acid battery, allowing soldiers in the field to perform seemless exchanges. Additionally, the battery provides no hazardous material such as lead or acid, which limits major disposal charges.

HONORING THE 125TH ANNIVERSARY OF THE CHABOT SPACE AND SCIENCE CENTER

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Ms. LEE. Madam Speaker, I rise today to honor the extraordinary history of the Chabot Space and Science center as it celebrates 125 years of serving our community and literally expanding our understanding of the universe.

In 1883 the Oakland Observatory was founded through a gift from the prestigious Mr. Anthony Chabot to the City of Oakland. Originally located in downtown Oakland, the observatory provided a public telescope to the community and served as the official timekeeping station for the entire Bay Area for decades. Anthony Chabot, a prominent businessman throughout the Greater Bay Area, died only five years after the creation of the observatory, however in that short time the observatory had already become an integral part of the community. Due to its increased use and immense popularity, the observatory has consistently grown and improved throughout the past century.

In 1915 the observatory was moved to the Oakland Hills, and in the mid-1960s the facility was considerably expanded with the addition of a 90-seat planetarium, laboratories, classrooms, workshops, an exhibit room, and a library. By this time, it had been renamed as the Chabot Science Center. Until 1977, the science center was staffed mainly by the dedicated personnel and volunteers of the Oakland Unified School District and visited frequently by public school students. Unfortunately, this ended when seismic safety concerns terminated access to the original observatory facility.

Eager to reinstate the educational opportunities such a facility would bring the young people of the Bay Area, the Chabot Observatory and Science Center (COSC) was formed in 1989 as a Joint Powers Agency with the City of Oakland, the Oakland Unified School District, and the East Bay Regional Park District. Guided by the Eastbay Astronomical Society, this collaboration has exemplified the energy and contributions of this remarkable non-profit organization which has facilitated the renewal and revitalization of the center in the last two decades. The fruit of many years of dedicated leadership from several community groups, individuals, and local elected officials, construction of the new Science Center began in May, 1998.

The Chabot Observatory and Science Center became the Chabot Space and Science Center in 2000—a name which better conveyed the organization's focus on astronomy and the space sciences, while communicating both the broad range and the technologically advanced nature of programs available in the new Science Center. On August 19, 2000 the new 86,000-square-foot, state-of-the-art science and technology education facility on a 13-acre site opened to the public.

On September 13, 2008 the Chabot Space and Science Center celebrated its 125 year anniversary. The legacy, promising future, and unique character of the Chabot Space and Science Center stands as an accomplishment for our entire community. On behalf of the residents of California's 9th Congressional District, I am pleased to applaud the tireless volunteers, staff, and relentless supporters of this indispensible asset to our community. Most of all, I would like to congratulate the residents of the Greater East Bay for their participation in making the 9th Congressional District one of the most diverse, active, and enlightened areas in the nation. May the Chabot Space and Science Center continue to enrich the lives of our people for many generations to come.

EARMARK DECLARATION

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. COLE of Oklahoma. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 2638, The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009:

Requesting Member: Congressman TOM COLE.

Bill Number: H.R. 2638.

Account: RDT&E.

Legal Name of Requesting Entity: "Amethyst Research Inc.".

Address of Requesting Entity: 2610 Sam Noble Parkway, Ardmore, OK 73401.

Description of Request: An earmark of $2,500,000 for advanced infrared systems development. Specifically, $1,748,250 is for research, development, testing and evaluation; $614,250 is for research equipment lease, and $137,500 is for building lease. This project has the support of key officials within the Department of Defense and within the U.S. suppliers of key defense-related technologies to the U.S. Government. This request is consistent with the intended and authorized purpose of the ONR, RDTE, N account. While not required to do so, the State of Oklahoma and the host community City of Ardmore have committed non-federal dollars toward this national priority. The return on investment to DoD for enhanced research funding is significant. ARI's research is projected to reduce by a factor of five the DoD cost for high performance IRFPAs. ARI's defect characterization technology alone is estimated to result in $5,000,000 of DoD savings over five years and $100,000,000 over 10 years. Infrared Materials Laboratories are overcoming the technical/financial barriers preventing use of less expensive silicon substrates for high performance IRFPAs. All major U.S. infrared houses

are cooperating with key aspects of this program. Results will be shared defense-wide. This research will: (1) dramatically lower the cost of high-performance IR, (2) create a stable, domestic supply of wafers for IRFPA array fabrication at all major U.S. infrared houses, and (3) put superior technologies into the hands of the U.S. warfighter more quickly.

Requesting Member: Congressman TOM COLE.

Bill Number: H.R. 2638.

Account: RDT&E, DW.

Legal Name of Requesting Entity: Oklahoma State University, University Multispectral Laboratories.

Address of Requesting Entity: 500 West South Ave., Ponca City, OK 74601.

Description of Request: Earmark is for the University Multi-spectral Laboratory UML/National Unmanned Aerial Vehicle/Systems (UAS) Test Center Facility to be located adjacent to Fort Sill, Oklahoma.

Funds will be executed as indicated below:

1. Runways/Taxiways (70 x 1,000 feet): $400,000.
2. New Hangar and Work Shops: $100,000.
3. Building Improvements: $100,000.
4. Water/electric: $50,000.
5. Tracking Equipment: $150,000.
6. Communications Equipment: $100,000.
7. Site Surveillance and Security: $100,000.
8. JFTE and RF Test Equipment: $100,000.
9. Employee Hires (Year 1): $1,300,000.

Requesting Member: Congressman TOM COLE.

Bill Number: H.R. 2638.

Account: Other Procurement, Army.

Legal Name of Requesting Entity: Stanley Associates.

Address of Requesting Entity: 111 SW "C" Ave., Lawton, OK 73501.

Description of Request: Earmark is for Call For Fire Trainer II/Joint Fires and Effects Trainer System. In 2007, the United States Joint Forces command rated JFETS the best simulator for training of Joint Terminal Attack Controllers (JTACs) among all of the armed services. JFETS is a leading edge, immersive, virtual reality training simulation at Ft. Sill, Oklahoma. It trains joint observers prior to deployments worldwide with particular emphasis on Afghanistan, and Iraq. The Army and Marine Corps are the most frequent users of JFETS. Joint special operations units and Air Force JTACs are determining how to integrate JFETS into their training. This immersive simulation has unsurpassed realism by incorporating photorealistic graphics, advanced audio capabilities, and multiple stimuli for the joint observer. Perhaps JFETS' greatest asset is its ability to train students to make sound decisions in a multitasked, combat-like environment. The joint observer must be able to prioritize and action numerous battlefield requirements simultaneously. The simulation is scalable in that the environment can be somewhat forgiving or it can saturate the student. Rather than the traditional, sterile observation post in which indirect fires are adjusted onto a fixed target, JFETS dynamically presents a complex situation which requires engagement of multiple moving targets and immediate tactical decision making. Joint observers with combat experience in Afghanistan and Iraq have unequivocally commended JFETS' realism and versatility. The project is scalable and accordingly funds will be expended in the following manner:

1. Salaries & Wages: $1,715,788.
2. Materials & Supplies: $552,010.
3. Travel: $24,163.
4. Subcontracts: $1,993,753.
5. Fees: $214,286.

Requesting Member: Congressman TOM COLE.

Bill Number: H.R. 2638.

Account: Operations & Maintenance, Air Force.

Legal Name of Requesting Entity: Veracity Technology Solutions.

Address of Requesting Entity: 2701 Liberty Parkway, Suite 311, Midwest City, OK 73110.

Description of Request: Earmark is for Advanced Ultrasonic Inspection of Aging Aircraft Structures. This project will enable the Air Force to deploy advanced ultrasonic inspection techniques that may dramatically reduce (by a factor of ten) the time required to inspect aircraft for defects. In order to continue operational readiness, the Air Force has identified numerous critical depot level NDI inspections that must be conducted and monitored for continued operation. These inspections can involve the detection of material losses as small as 0.030 inches in multi-layer, tapered, metallic structures. Presently, this is a labor intensive process requiring some disassembly and visual inspection of each metallic surface. The inspection process not only removes the aircraft from service for an extended period of time which negatively impacts readiness, but also adds significantly to Air Force maintenance costs. In addition, the deployment of this ultrasonic inspection technology will provide significantly improved identification and characterization of defects. This can be accomplished with little risk, as the technology is adapted from ultrasonic array technologies and medical grade imaging techniques that have been successfully implemented in the medical industry for many years. Funds will be expended in the following manner:

(1) $500,000 to deploy an integrated wing inspection system whose feasibility has been demonstrated through successful Small Business Innovation Research (SBIR) Phase I and II projects and;

(2) $750,000 to support additional proof of concept projects working in tandem with the KC–135 program office. Specifically, this funding will be used for the technical personnel, facilities, and equipment required to develop and deploy this technology.

Requesting Member: Congressman TOM COLE.

Bill Number: H.R. 2638.

Account: RDT&E, Army.

Legal Name of Requesting Entity: Institute for Creative Technologies.

Address of Requesting Entity: 13274 Fiji Way, Marina Del Ray, CA 90292.

Description of Request: Earmark is for the Joint Fires & Effects Trainer System. JFETS at Fort Sill, Oklahoma, a collaborative effort between the University of Southern California Institute for Creative Technologies and the United States Army Field Artillery School, has grown to three fully functional prototype training installations since its inception in 2003. Short of combat, JFETS creates a realistic, stressful, and demanding experience for soldiers undergoing training in the synchronization of fires and effects. To date more than 5,000 soldiers have been trained in the JFETS Urban Terrain Module, the Open Terrain Module, and the Close Air Support Module.

In FY07, the Joint Close Air Support Executive Steering Committee recommended that JFETS be certified to replace CAS Type 1 and Type 2 used for maintaining Joint Terminal Attack Control currency. JFETS is scheduled to transition from a university research prototype to a deployed training system with both government and commercial support at the end of GFY08 as a Program of Record within the United States Army.

Funds will be expended as follows:

1. $1.5 MM for ICT research on IOTA and Terrain pipeline.
2. $0.5 MM for subcontractor.

Requesting Member: Congressman TOM COLE.

Bill Number: H.R. 2638.

Account: RDT&E, Army.

Legal Name of Requesting Entity: Core Dynamics.

Address of Requesting Entity: 2275 Research Blvd., Rockville, MD 20850.

Description of Request: Earmark is for Freeze Dried Blood Technology Clinical Research. Initial R&D has proved that red blood cells can be successfully frozen, effectively producing freeze dried blood. Initial Research indicates that they can be reconstituted with sterile water and successfully transfused. Clinical research is now required to determine if this process can be replicated in large amounts and if the resultant, reconstituted blood retains viability once introduced into the bloodstream. Research indicated to investigate methods to freeze dry blood is outlined in the 2008 RDT&E Budget for applied research PE 0602787A—Medical Technology.

All funds will be used to complete the small-scale development and initiate the Small Volume In Vivo Survival testing beginning the process for FDA Submission of the freeze dried RBC product.

EARMARK DECLARATION

HON. BILL SALI

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. SALI. Madam Speaker, I submit the following for the RECORD:

Requesting Member: BILL SALI.

The bill number: H.R. 2638.

The account: Army National Guard, other Procurement, Army.

The legal name of requesting entity: Idaho National Guard.

Address of Requesting Entity: 4040 W. Guard St., Bldg. 600, Gowen Field, Boise, ID 83705.

Description: Provided an appropriation of $1 million to upgrade current AB–FIST Trainers for the Idaho National Guard. AB–FIST trainers were fielded to the Idaho National Guard during the past decade to provide crew gunnery training for M2A2 Bradley Fighting Vehicles to all units including the Idaho National Guard. Our current AB–FIST Trainers will become obsolete and not useable until they are upgraded to work with the upgraded Bradley Fighting Vehicles the Idaho National Guard will receive. Gunnery training for Bradley Crews is essential for the combat readiness of the Idaho National Guard.

Requesting Member: Congressman BILL SALI.

Bill Number: Defense Appropriations Bill, FY09 H.R. 2638.

Account: Navy, RDT&E.

Legal Name of Requesting Entity: BAE Systems.

Address of Requesting Entity: 33964 N. Main Street, Bayview, ID 83803.

Description of Request: Provide an appropriation of $480K in FY 2009 to fund the development of a shore based Large Scale Vehicle (LSV) Operations and Data Acquisition Enhancement at the Naval Surface Warfare Center (NSWC), Acoustic Research Detachment (ARD), Bayview, ID.

Approximately, $140K for labor and $340K for material purchases will be required. Labor breakdown is as follows:

Management: $8,000.

Engineering Design: $8,000.

Material Research & Purchasing: $4,000.

Assembly: $120,000.

This appropriation will fund a fiber optic link from the LSV radiated noise arrays in Lake Pend Oreille to the ARD shore based data acquisition laboratory and thereby replace an inefficient floating laboratory. This enhancement will greatly improve the utilization of resources during project testing at the ARD by eliminating the need for scientists and engineers to transit to the operations range on the lake for each underway and will improve the ability to monitor LSV range ambient conditions, from the ARD, reducing the number of weather terminated operations.

Requesting Member: BILL SALI.

The bill number: H.R. 2638.

The account: RTDE,N.

The legal name of requesting entity: University of Idaho, Microelectronics Research and Communications Institute located at Buchanan Engineering Laboratory, P.O. Box 441024, Moscow, ID 83844.

The single most damaging threat to the U.S. Naval Fleet is surface and subsurface mines. As noted in a letter from the Naval Surface Warfare Center at Carderock, the Navy ''is actively developing technologies to enable electric power systems to meet future mission and affordability requirements of submarine and surface ships.'' In order to be successful, the impact of electric power and propulsion systems on electromagnetic (EM) signatures must be understood so that ships with such systems can operate successfully against mines and detection. The $1,600,000 in requested funds will be used to continue research and testing work with the Navy's Acoustic Research Detachment (ARD) at Bayview to generate numerical and analytical models of ELF signals in shallow and deep water environments in order to mitigate the mine threat and to naval vessels that use electric propulsion; these models will be verified experimentally at Bayview given the unique features of Lake Pend Oreille and the experimental capability of ARD. Approximately, $488,000 is for salaries, $105,000 for materials, supplies, computers, travel, publications, etc., $290,000 is for overhead and $675,000 is for subaward costs and $42,000 for tuition and fees. This is the last year of funding for this project.

Requesting Member: Congressman BILL SALI.

Bill Number: Defense Appropriations Bill, FY09 H.R. 2638.

Account: Navy, RDT&E.

Legal Name of Requesting Entity: BAE Systems.

Address of Requesting Entity: 33964 N. Main Street, Bayview, ID 83803.

Description of Request: Provide an appropriation of $1.5 million in FY 2009 to fund the development of a Test Support Platform for the Naval Surface Warfare Center (NSWC), Acoustic Research Detachment (ARD), Bayview, ID.

Approximately, $500K for labor and $1.0 million for material purchases will be required. Labor breakdown is as follows:

Management: $20,000.

Engineering Design: $50,000.

Material Research & Purchasing: $30,000.

Assembly: $400,000.

This appropriation will be used to assemble a platform that will be used on Lake Pend Oreille in support of various projects working through the ARD. The existing ARD test support platforms are old and require significant configuration changes each time these barges are utilized for various projects. This request is intended to greatly improve the future project support that will be provided by the ARD by developing a modern test support platform configured with modern systems, acoustically isolated generators, and an effective laboratory space.

EARMARK DECLARATION

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. CALVERT. Madam Speaker, I have received congressional appropriations in H.R. 2638, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, FY 2009, for three projects in California's 44th Congressional District which are described as follows:

Requesting Member: Congressman KEN CALVERT.

Bill Number: H.R. 2683.

Account: Standards Development—Research, Development, Test & Evaluation, Navy.

Legal Name of Requesting Entity: Naval Surface Warfare Center, Corona Division.

Address of Requesting Entity: Naval Surface Warfare Center Corona Division, 2300 Fifth St., Norco, CA.

Description of Request: The stated project has received a congressional appropriation in the amount of $2,800,000. The appropriation is for a project which would continue work in the areas of Primary and Depot Maintenance calibration standards. Specifically the work will be done in the technology areas of Nuclear, Biological and Chemical (NBC), electro-optics, and physical-mechanical. The purpose of the work is to ensure measurement accuracy in support and maintenance of new advanced technology weapon systems, current weapon systems and associated support equipment. Specifically, the funding also continues efforts of calibration standards (hardware) in support of Nanoscale Dimensional Standards using Atomic Force Microscopy (AFM). Standards developed through this ongoing program provide continued measurement support and capability to ensure that our Nation's advanced weapon systems operate as designed and detectors accurately recognize threats.

Requesting Member: Congressman KEN CALVERT.

Bill Number: H.R. 2683.

Account: Defense Wide—Research, Development, Test & Evaluation.

Legal Name of Requesting Entity: Center for Nanoscale Science and Engineering, University of California, Riverside.

Address of Requesting Entity: 900 University Avenue, Riverside, CA.

Description of Request: The stated project has received a congressional appropriation in the amount of $2,400,000. This project aims to take advantage of recent advances in nanomaterials and nanodevices to begin to address the issue necessary to take the electronics industry beyond the two-dimensional silicon based devices and wiring and to develop high density, 3D electronics technology together with associated packaging, portable power sources and heat dissipation solutions. UC Riverside has substantial expertise in the development of nanomaterials that offer extraordinary properties when properly engineered for these applications. The proposed effort will fund technology development studies in the following five areas: 3D integration of RF and Digital technologies; materials development for thermal management; materials development for 3D wiring; materials development for multi-technology isolation; and development of process equipment for advanced 3D processes and materials manufacturing. The availability of new approaches to very high density electronics and compact power sources that are built from the new generation of nanomaterials will greatly aid the DoD mission in providing advanced electronics and power in the battlefield.

Requesting Member: Congressman KEN CALVERT.

Bill Number: H.R. 2683.

Account: Defense Wide—Operations & Maintenance.

Legal Name of Requesting Entity: March Joint Powers Authority.

Address of Requesting Entity: 23555 Meyer Drive, Riverside, CA.

Description of Request: The stated project has received a congressional appropriation in the amount of $1,200,000 for the purpose of demolishing existing structures on the northeast corner of the former March Air Force Base. The demolition of the buildings is necessary due to structural deficiencies, ADA compliance or prohibitive cost to meet modernization and current building code requirements.

EARMARK DECLARATION

HON. JOHN ABNEY CULBERSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. CULBERSON. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of Bill Number: H.R. 2638—The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Requesting Member: Congressman JOHN CULBERSON.

Bill Number: H.R. 2638—The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: U.S. Army, Research, Development, Test and Evaluation account, Medical

Advanced Technology, line 30, PE #0603002A.

Legal Name and Address of Requesting Entity: Dr. Mauro Ferrari, President, Alliance for NanoHealth, 1825 Pressler Street, Suite 537C, Houston, Texas 77030.

Description of Request: Provides $3,200,000 to the Alliance for NanoHealth for advancing the state of nanomedicine through innovative peer reviewed grant programs and infrastructure development projects to identify and cure human diseases at the earliest stages. The Alliance for NanoHealth is one of the Nation's leading institutional collaborations dedicated to applying nanotechnology to solve some of medicine's most compelling questions. Principal to the mission of the Alliance is facilitating the translation of nanotechnology from the laboratory to clinical practice by leveraging the world renowned clinical and scientific resources of the Texas Medical Center. The Alliance is committed to advancing the state of nanomedicine through innovative seed grant programs and infrastructure development projects to facilitate ''proof-of-concept'' research and advance nanomedicine from concept to therapeutic and pharmaceutical solutions to disease. $3,000,000 would be used as seed grant for research funding, and $1 million will be used for core facility infrastructure development.

Requesting Member: Congressman JOHN CULBERSON.

Bill Number: H.R. 2638—The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: U.S. Air Force's Research, Development, Test and Evaluation account, Materials, line 8, PE #0602102F.

Legal Name and Address of Requesting Entity: Rice University, 6100 Main Street, Houston, Texas 77005.

Description of Request: Provides $2,400,000 for the armchair quantum wire project to dramatically improve the ability of the Air Force and other services to fulfill their missions, increase the energy industry's ability to generate, store and transmit electricity, enhance the oil & gas companies' ability to find and extract gas and petroleum, and build new industries and jobs. armchair quantum wire is wire made from special Single-Wall Carbon Nanotubes (SWNT) and takes advantage of the ultra-high strength and conductivity of SWNT to make order-of-magnitude improvements in materials and electronics. SWNTs are one-sixth the weight and at least ten times the strength of steel. Materials made with armchair quantum wire—which is a special combination of SWNTs—will make airplanes stronger and lighter, make new armor possible, and make entirely new weapons and defense systems possible. The funding provided by the Federal Government is being matched on a 2–1 basis by local sources.

Requesting Member: Congressman JOHN CULBERSON.

Bill Number: H.R. 2638—The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: U.S. Army's Research, Development, Test and Evaluation account, Medical Advanced Technology, line 28, PE #0602787A.

Legal Name and Address of Requesting Entity: The Methodist Hospital System, 8060 El Rio, Houston, Texas 77054.

Description of Request: Provides $1,600,000 for developing nano-imaging agents to ensure drug delivery devices reach targeted cells. Recent progress in nanomedicine research has created a new wave of innovation in medical diagnosis and treatment. Currently, no research institute or university has a Good Manufacturing Process (GMP) facility to produce nano-sized imaging agents. GMP is a term that refers to manufacturing standards and quality control testing for products. Regulation for quality generally includes requirements related to the methods and facilities used for designing, manufacturing, storing etc. of medical devices and drugs intended for human use. All military branches faces shortages of enlisted and officer personnel. Diseases that can be impacted at the cellular level and corrected at that level permit personnel to function longer and more effectively without turnover related to medical issues. The project could lead to earlier, targeted diagnosis and intervention that would reduce medically-related turnover in personnel. The funds will be used to purchase two Good Manufacturing Process manufacturing work stations at $400,000 each; for a quality control laboratory work station at $800,000; and for a general preparation work station at $400,000.

HONORING DAWN HARPER, GOLD MEDAL WINNER AT THE 2008 OLYMPIC GAMES

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. COSTELLO. Madam Speaker, I rise today to ask my colleagues to join me in honoring Dawn Harper, Gold Medal winner in the 100-meter hurdles at the 2008 Olympic Games in Beijing.

Growing up in East St. Louis, IL, Dawn Harper was captivated by the athletic accomplishments of a fellow East St. Louis native, Jackie Joyner-Kersee. Recognizing that Jackie Joyner-Kersee made the most of her talents and abilities through years of hard work and perseverance, Dawn dedicated herself to following a similar path.

Dawn showed early promise as a track star at East St. Louis Senior High School where she won both the 100-meter and 300 meter hurdles at the Illinois State Championships as a freshman. She would repeat that spectacular feat two more times during her high school career. Even though she was slowed by an ACL injury her sophomore year, she still placed second in the 100-meter hurdles at the state championships.

Following again in Jackie Joyner-Kersee's footsteps, Dawn decided to pursue her collegiate career at UCLA. While at UCLA, Dawn would earn honors as USA Junior champion, Pan Am Junior champion, NACAC U23 champion, and multiple All-American selections at the NCAA Outdoor Championships. Dawn graduated from UCLA in 2006.

Dawn tried out for the 2004 Olympic team and finished 18th in the 100-meter hurdles. Her hard work and persistence paid off in the 2008 Olympic trials where she placed 3rd, earning her a spot on the team to represent the United States at the 2008 Olympic Games in Beijing. Dawn ran well in her preliminary heats and placed 3rd in the semifinals. This secured her place in the finals where she was not to be denied, winning the championship with a personal best time of 12.54 seconds.

In victory, Dawn displayed not only the athletic ability of a champion but also the grace and sportsmanship, congratulating her teammates for their efforts and giving thanks to those who have helped her in her quest for this momentous accomplishment.

Madam Speaker, I ask my colleagues to join me in congratulating Dawn Harper, Olympic champion and Gold Medal winner at the 2008 Olympic Games and wishing her the best as she continues to pursue her athletic career and beyond.

EARMARK DECLARATION

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. BILBRAY. Madam Speaker, I submit the following:

Requesting Member: Congressman BRIAN BILBRAY.

Bill Number: H.R. 2638 (The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act).

Account: Federal Emergency Management Agency (FEMA), Predisaster Mitigation.

Legal Name of Requesting Entity: The City of San Diego, CA.

Address of Requesting Entity: 202 C Street, San Diego, CA 92101, USA.

Description of Request: As you may know, San Diego County suffered through one of the worst fire storms in our nation's history last October destroying more than 1,500 homes at a cost of more than $1 billion. This funding would implement wildfire fuels reduction and brush management to create 100 feet of defensible space on 1,180 acres of open space property owned by the City, prioritized based on fire threat mapping by the Fire Chief.

Recent history has proven that major wildland fire events have exceptional costs to all involved, including private property owners, local, state and federal governments. Major disasters such as the ones experienced in San Diego last fall cost the federal government significant amounts in response and recovery. While final expenditures are not known, FEMA received applications from thousands in the San Diego region. By thinning the brush in the wildland urban area interface, structures stand a better chance of being defended. By saving these structures, fewer FEMA and SBA dollars will need to be extended to property owners for recovery purposes.

I secured a member's request of $1,000,000 to expedite City of San Diego completion of wildfire fuels reduction and vegetation management strategies in order to prevent future wildfires like those experienced in October 2003 and 2007. The project meets the intended and authorized purpose of the FEMA Predisaster Mitigation account, and FEMA program guidelines (June 28, 2008) explicitly cite vegetation management as an eligible mitigation project activity. The City of San Diego has approved $2 million from its general fund for this project during FY2009.

EARMARK DECLARATION

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. GARY G. MILLER of California. Madam Speaker, I submit the following:

Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2638, Division D, Title III.

Requesting Member: Congressman GARY G. MILLER.

Bill Number: H.R. 2638.

Bill Section: Division D, Title III.

Account: FEMA, Predisaster Mitigation Fund.

Amount: $850,000.

Legal Entities To Receive Funding: City of Mission Viejo, 200 Civic Center, Mission Viejo, CA.

Funding Description:

Total Cost of Project: $2,014,575. $270,000 (estimated) for development of plans and specifications and construction oversight. $1,744,575 (estimated) for construction of slope tie backs, soils nails, re-grading the slope, and new retaining wall.

Federal Appropriation: $850,000. Cost Covered By city of Mission Viejo: $1,164,575.

Description of Request: During the month of January 2005, a 67-foot-high engineered slope between Encorvado Lane and Ferrocarril experienced a massive failure as a result of the severe rainstorms. As a result, seven homes were yellow or red tagged. Approximately 22 residents were displaced from their homes, including two homes that serve as board and care facilities for 12 elderly and/or disabled residents. In addition, the public street Ferrocarril was damaged. This event was part of the presidential declaration for the State of California, Orange County in which the city received Public Assistance funding for emergency protective measures.

The city of Mission Viejo conducted an emergency temporary repair, which included the removal of vegetation and backyard structures, emergency grading to provide temporary stabilization of the slope, installation of 95 steel soldier beams at the base of the slope, and covering the slope to try to mitigate further slope erosion from water intrusion. These efforts have been paid for through Public Assistance funding administered by FEMA and the State of California. The city will now repair the slope to meet current code standards and protect the public right-of-way. This project is critical to remove a blight within the city of Mission Viejo and to protect the public right-of-way from further damage.

In addition to federal assistance, the city of Mission Viejo will cover all costs not covered by any federal funding received.

EARMARK DECLARATION

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. BOOZMAN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 2638, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009:

Earmark: Fort Chaffee Infantry Platoon Battle Course, $204,000.

Requesting Member: Congressman JOHN BOOZMAN (AR–03).

Bill Number: H.R. 2638, Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: Army National Guard.

Agency: Department of Defense.

Name/Address: Arkansas Army National Guard, Office of the Adjutant General, Building 6000, Camp Robinson, North Little Rock, AR 72119 (Infantry Platoon Battle Course will be located at Fort Chaffee).

Description: The funding will be used for the design of the Infantry Platoon Battle Course for support of training requirements of the Arkansas Army National Guard. Primary facilities include Stationary Infantry Targets (SIT), Stationary Armor Targets (SAT), Moving Armor Target (MAT), Moving Infantry Targets (MIT), Machine Gun Bunkers, Trench Obstacle, Assault/Defend House, Landing Zones, Small Range Ops Center/Control Tower/Ammo Breakdown, Storage, Bleacher, service roads, site improvements and associated support facilities including utilities and information systems.

Earmark: Future Combat Support Hospital, $3,200,000.

Requesting Member: Congressman JOHN BOOZMAN (AR–03).

Bill Number: H.R. 2638, Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: 145, Combat Support Medical.

Agency: Op,A, Other Procurement, Army.

Name/Address: EADS North America Integrated Shelter Systems, 300 Industrial Boulevard, Russellville, Arkansas 72802.

Description: The funding would be used for the continuation of EADS North America Integrated Shelter Systems. Future Combat Support Hospital (FCSH) is an advanced rigid and soft-walled shelter system for forward deployed healthcare providers. The FCSH program will replace the Deployable Medical Systems (DEPMEDS) tentage with an operating room (OR) ISO container and other modules that will be chemically/biologically hardened with quick erect/strike times and integrated medical packages. This effort will reduce the weight of comparable systems and enhance the transportability and deployability of forward medical care. FCHS will reduce the footprint of field hospitals by reducing the weight and number of airlift flights to deploy a field hospital and/or Forward Surgical Team, which is a major objective of the Army Transformation. The Future Combat Support Hospital will enhance forward care and reduce the footprint of medical organizations for greater mobility and easier sustainment. The Future Force concept places soldiers into a more austere environment with lengthened evacuation times (both arrival and transit). Supporting medics and first responders require greater lifesaving and extended stabilization capability to save lives. Reduction in weight, cube, and sustainment requirements allows medical units to increase mobility and maintain contact with their supported Units of Action.

Earmark: Center for Nanoscale Bio-sensors as a Defense against Biological Threats to America.

Requesting Member: Congressman JOHN BOOZMAN (AR–03).

Bill Number: H.R. 2638, Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: 44, Dla 0603720S Microelectronics Technology Development and Support.

Agency: Rdte, Dw Research, Development, Test and Evaluation, Defense-Wide.

Name/Address: University of Arkansas, Fayetteville and Pine Bluff Campuses located at 248 Physics Building, University of Arkansas, Fayetteville, AR 72701.

Description: The funding would be used for the continuation of the Center for Nanoscale Bio-Sensors as a Defense against Biological Threat to America Programs and will mature previous investments in nanotechnology facilities and revolutionary materials to deliver new breakthroughs in biological threat detection and identification. These breakthroughs include (1) sensors, (2) communication between sensor and soldier, and (3) the ability to counter exposure to chemical weapons.

Earmark: Emergency Operations Center, Sebastian County, AR, $750,000.

Requesting Member: Congressman JOHN BOOZMAN (AR–03).

Bill Number: H.R. 2638, Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: DHS FEMA State and Local Programs.

Name/Address: Sebastian County, Arkansas, County Judge, David Hudson, 35 South 6th Street, Suite 106, Fort Smith, AR 72901.

Description: Funding would be used for the remodel of the Courthouse to include dedicated Emergency Operations Center (EOC), physical security enhancements, and information technology (IT) enhancements for Continuity of Operations.

IN RECOGNITION OF THE SERVICE AND SACRIFICE OF ILLINOIS NATIONAL GUARD SPECIALIST JOSHUA HARRIS

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. DAVIS of Illinois. Madam Speaker, I rise today to recognize the service and sacrifice of a recent fallen soldier—Illinois National Guard Specialist Joshua Harris. Specialist Harris served with Battery B of the 2nd Battalion of the 122nd Field Artillery that provided security for police mentor teams in Afghanistan. Joshua was only 21, and he lived in Oak Park, Illinois. He deployed to Afghanistan in August of this year. On Wednesday, September 17, Joshua was killed by a roadside bomb in Afghanistan, along with Sergeant Jason Vazquez, 24, also of Chicago. Joshua was posthumously promoted to sergeant and Jason to staff sergeant.

At this time of loss and sorrow, I am reminded of the words of two famous poets. Kahlil Gibran once said, "When you are sorrowful look again in your heart, and you shall see that in truth you are weeping for that which has been your delight." Henry Longfellow reflected, "He spake well who said that

graves are the footprints of angels.'' These words capture what we know about Joshua—he was both an angel and delight to those around him. His death brings comfort to no one, but his life spread comfort to many. His friends and family have recounted that he worked for the betterment of his community and displayed kindness to all. From the time he was just a boy, Joshua wanted to serve in the military; a child who initiated saluting when he was just 9 years old. With hard work and dedication, he earned the rank of Eagle Scout in 2005. This is an impressive accomplishment that reflects a strong, dedicated character that Joshua applied to his life and military service. I also understand that his death steals from us a potential political leader—someone who loved history, particularly the civil war, and who demonstrated leadership on issues small and large.

Joshua died serving his country in the uniform of the Illinois National Guard. Therefore I send my condolences to the friends and family of Sergeant Harris during their time of grief, and I pay tribute to a true hero whose courage and sacrifice will always be honored and cherished in this country. We are grateful for all that he did for so many in Chicago, the United States, and the world.

EARMARK DECLARATION

HON. RIC KELLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. KELLER of Florida. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2638—The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009:

Requesting Member: The Honorable RIC KELLER.

Bill Number: H.R. 2638—The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: Army National Guard Operations and Maintenance, Operating Forces, Budget Activity #1 to acquire and field the Weapon Skills Trainer (WST).

Legal Name of Requesting Entity: Cubic Defense Applications.

Address of Requesting Entity: 2001 W. Oak Ridge Road, Orlando, FL 32809.

Description of Request: Provide $3,000,000 to the Florida National Guard to purchase new WSTs in order to train and prepare Florida National Guard service men and women to be combat ready upon deployment.

Bill Number: H.R. 2638—The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: Army/Army National Guard, Other Procurement, Line #169, Training Devices, Nonsystem, for the Mobile Virtual Training Capability (MVTC) for the Army National Guard.

Legal Name of Requesting Entity: Coalescent Technologies.

Address of Requesting Entity: 731 North Garland Avenue, Orlando, FL 32801.

Description of Request: Provide $2,500,000 to the Florida National Guard to purchase new MVTC programs, which provide required training and a highly realistic training environment, with photo-realistic models, real-world maps, and accurately simulated weapons systems.

Bill Number: H.R. 2638—The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: Air Force, Other Procurement (Air Force), Budget Line #308F, Procurement Line #9, PE #41214F, for the Halvorsen 25K Loader.

Legal Name of Requesting Entity: FMC Technologies.

Address of Requesting Entity: 7300 Presidents Drive, MD11, Orlando, FL 32801.

Description of Request: Provide $1,600,000 that will be used by the United States Air Force (USAF) to purchase new Halvorsen Loaders, which have been requested by the President and authorized by the Armed Services Committee. The Halvorsen Loader Program provides the USAF with critical support for aerial posts worldwide and specifically, operations in theater.

CREDIT CARDHOLDERS' BILL OF RIGHTS ACT OF 2008

SPEECH OF

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2008

Ms. LEE. Madam Speaker. I rise in strong support of H.R. 5244, the Credit Card Holder Bill of Rights.

I want to applaud Congresswoman MALONEY for introducing this timely and commonsense legislation that will help our constituents and will protect hard working families. It is critical that during this time of financial crisis in America, that we do more to help households who are increasingly burdened by rising gas prices, falling home values and rising credit card interest rates and fees.

As we discuss a massive $700 billion bailout of lenders and banks, I believe that taking this small step to protect credit card consumers is the least that we can do.

This bill seeks to protect consumers by putting very reasonable and fair limits on some of the most unfair practices of the credit card industry. It will require a fair notice to consumers before an interest rate can be arbitrarily raised. It doesn't stop them from raising their rates, it just requires that consumers be notified in advance.

It will stop the unfair practice of billing customers for interest and fees on balances that they have already paid. It will require that payments be split fairly between higher rate balances and any lower rate balances so that families have some chance to reduce their debt's principal instead of companies reducing only the debts that carry the lowest interest rates first.

Frankly, I wish that this bill were even stronger and that we were talking about requiring just the opposite. We should be requiring that all payments are applied to the highest interest rate balances first, but this is a strong step in the right direction.

I urge my colleagues to support protecting minors from predatory credit card companies, I urge my colleagues to limit so called sub prime credit cards with huge annual fees tacked automatically onto the debt on the cards, I urge my colleagues to vote yes on H.R. 5244.

EARMARK DECLARATION

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. CASTLE. Madam Speaker, I submit the following:

Name of Project: Replacement of C–130 Aircraft Maintenance Shops.

Requesting Member: Congressman MICHAEL N. CASTLE.

Bill Number: H.R. 2638.

Legal Name of Requesting Entity: Delaware Air National Guard.

Address of Requesting Entity: 2600 Spruance Dr., Corporate Commons, New Castle, DE.

Account: ANG.

Project Description: $11.6 million for Replacement of C–130 Aircraft Maintenance Shops. The project is part of a multi-phased construction program to replace an aged hangar and shops, which support the 166th Airlift Wing's flying mission for its 8 C–130 aircraft. An improved aircraft maintenance facility will ensure a ready force that can meet both State and Federal requirements. Over 100 personnel will work and train in this facility. Funding for this project may be adjusted when the House considers the final spending package.

Name of Project: Reactive Plastic CO_2 Absorbent Production Capacity.

Requesting Member: Congressman MICHAEL N. CASTLE.

Bill Number: H.R. 2638.

Legal Name of Requesting Entity: Micropore, Inc.

Address of Requesting Entity: 350F Pencader Drive, Newark, DE.

Account: DPA.

Project Description: $1.6 million for Reactive Plastic CO_2 Absorbent Production Capacity. The Department of Defense is working with Micropore to establish a domestic production capability for reactive plastic CO_2 absorbent to ensure sufficient quantities are available to meet a wide range of military and national security needs and to bring the per unit cost down. Micropore produces an absorbent cartridge used by the Department of Defense in rebreathing and life support systems for military SCUBA, on submarines, in medical oxygen delivery, and for chemical and biological weapons protection. Funding for this project may be adjusted when the House considers the final spending package.

Name of Project: 2nd Generation Extended Cold Weather Clothing System.

Requesting Member: Congressman MICHAEL N. CASTLE.

Bill Number: H.R. 2638.

Legal Name of Requesting Entity: WL Gore & Associates.

Address of Requesting Entity: 551 Paper Mill Rd., Newark, DE.

Account: OM, ARNG.

Project Description: $3.2 million for 2nd Generation Extended Cold Weather Clothing System. The President's FY 09 Budget requested funding for the U.S. Army National Guard to purchase the Second Generation Extended Cold Weather Clothing System from W.L. Gore. This is a set of GORE-TEX® outerwear (parka, liner and trousers) designed specifically to provide protection during cold and/

or wet weather. By reducing personal discomfort during inclement weather conditions, these systems give the soldier the capability to operate at his or her most effective readiness level. Funding for this project may be adjusted when the House considers the final spending package.

Name of Project: Combat Desert Jacket.

Requesting Member: Congressman MICHAEL N. CASTLE.

Bill Number: H.R. 2638.

Legal Name of Requesting Entity: WL Gore & Associates.

Address of Requesting Entity: 551 Paper Mill Rd., Newark, DE.

Account: OM, MC.

Project Description: $4 million for Combat Desert Jacket. The President's FY 09 Budget requested funding for the U.S. Marines to purchase the Combat Desert Jacket from W.L. Gore. This is a lightweight, two layer barrier garment that is comfortable to wear during periods of prolonged activity. In need of a tough, resilient outer garment for use during combat operations in the demanding desert environment, the Marines worked with W.L. Gore to develop a highly effective jacket that provides exceptional protection across a wide spectrum of elements. The Marines are in a 5 year fielding plan to provide this garment to all Marines. Funding for this project may be adjusted when the House considers the final spending package.

Name of Project: Phoenix Quad-band Satellite Receiver.

Requesting Member: Congressman MICHAEL N. CASTLE.

Bill Number: H.R. 2638.

Legal Name of Requesting Entity: Delaware Army National Guard.

Address of Requesting Entity: First Regiment Rd., Wilmington, DE.

Account: OP, A.

Project Description: $4 million for Phoenix Quad-band Satellite Receiver. The Delaware Army National Guard's 261st Signal Brigade has requested funds to purchase a mobile satellite communications receiver to provide high data rate exchanges between various satellites and ground communications systems in secure digital formats. This system will improve the Delaware Guard's domestic support and combat capability, while maintaining critical communication interoperability between the Guard and Active Component Army signal units. Funding for this project may be adjusted when the House considers the final spending package.

Name of Project: UD Center for Composite Materials Projects.

Requesting Member: Congressman MICHAEL N. CASTLE.

Bill Number: H.R. 2638.

Legal Name of Requesting Entity: University of Delaware.

Address of Requesting Entity: 107 Hullihen Hall, Newark, DE.

Account: RDTE, A / RDTE, N.

Project Description: $9 million (4 separate projects) for UD Center for Composite Materials. The Department of Defense has asked the University of Delaware's Center for Composite Materials to develop ultra-lightweight, durable armor to protect soldiers against mine blast, ballistic, IED and EFP threats. Current metallic armor for combat and tactical vehicle protection is too heavy and is rapidly wearing out vehicles with maintenance and replacement costs estimated in the billions. The University of Delaware's modeling and simulation of composite armor is essential to accelerate the insertion of new composite solutions into the battlefield. Funding for this project may be adjusted when the House considers the final spending package.

Name of Project: Garment-Based Physiological Monitoring Systems.

Requesting Member: Congressman MICHAEL N. CASTLE.

Bill Number: H.R. 2638.

Legal Name of Requesting Entity: Textronics Inc.

Address of Requesting Entity: 3825 Lancaster Pike, Suite 201, Wilmington, DE

Account: RDTE, A.

Project Description: $1.6 million for Garment-Based Physiological Monitoring Systems. The U.S. Army is working with Textronics to develop a new generation of wearable physiological monitoring systems that will enable the accurate and real-time remote monitoring of a U.S. soldier's heart rate, respiration, and other physiological parameters. These systems will integrate technology improvements that work under prolonged harsh conditions to satisfy the expressed needs and preferences of the troops. The project will help the military improve the safety, security, health, well-being, and performance of U.S. soldiers. Funding for this project may be adjusted when the House considers the final spending package.

Name of Project: Optimized M–25 Soldier Fuel Cell System.

Requesting Member: Congressman MICHAEL N. CASTLE.

Bill Number: H.R. 2638.

Legal Name of Requesting Entity: DuPont Fuel Cells.

Address of Requesting Entity: Chestnut Run Plaza, P.O. Box 80701, Wilmington, DE.

Account: RDTE, A.

Project Description: $2 million for Optimized M–25 Soldier Fuel Cell System. The U.S. Army has asked DuPont to develop a lightweight and reliable individual power source for U.S. soldiers operating in combat. Currently, U.S. soldiers carry heavy batteries to charge individual equipment, including communications equipment. DuPont's Soldier Fuel Cell System will be smaller, more durable, more economical, and last up to 10 times longer than today's batteries. It will provide new on-soldier and standalone charging capability, reducing the overall load carried by soldiers for military operations. Funding for this project may be adjusted when the House considers the final spending package.

Name of Project: Vectored Thrust Ducted Propeller (VTDP) Compound Helicopter Advanced Technology Flight Demonstration Program.

Requesting Member: Congressman MICHAEL N. CASTLE.

Bill Number: H.R. 2638.

Legal Name of Requesting Entity: Piasecki Aircraft Corporation.

Address of Requesting Entity: 2nd Street West, P.O. Box 360, Essington, PA.

Account: RDTE, A.

Project Description: $5 million for Vectored Thrust Ducted Propeller (VTDP) Compound Helicopter Advanced Technology Flight Demonstration Program. The U.S. Army has asked Piasecki Aircraft to increase the rotorcraft speed, range, and survivability of the Vectored Thrust Ducted Propeller Compound Helicopter. The flight testing, which will be conducted at New Castle County Airport, is being initiated to expand the helicopter's air assault and combat logistics support capabilities at higher altitudes. This development will allow for improved reliability and rapid MEDEVAC of victims from combat to critical care facilities. Combat experience in Afghanistan and Iraq has highlighted the need for these capabilities. Funding for this project may be adjusted when the House considers the final spending package.

Name of Project: Joint Services Aircrew Mask (JSAM) Don/Doff Inflight Upgrade.

Requesting Member: Congressman MICHAEL N. CASTLE.

Bill Number: H.R. 2638.

Legal Name of Requesting Entity: ILC Dover LP.

Address of Requesting Entity: 1 Moonwalker Road, Frederica, DE.

Account: RDTE, DW.

Project Description: $1.6 million for Joint Services Aircrew Mask (JSAM) Don/Doff Inflight Upgrade. The Department of Defense has asked ILC Dover to develop an aircrew mask that provides above the neck Chemical-Biological and Anti-G protection to aircrew personnel. This product will enhance soldiers' ability to survive in the case of chemical or biological weapons attacks and it will allow aircrews to be at a state of high level Chemical-Biological threat preparedness for extended periods, both on the ground and in the air. Funding for this project may be adjusted when the House considers the final spending package.

Name of Project: NIDS Improved Handheld Biological Agent Detector.

Requesting Member: Congressman MICHAEL N. CASTLE.

Bill Number: H.R. 2638.

Legal Name of Requesting Entity: ANP Technologies, Inc.

Address of Requesting Entity: 824 Interchange Blvd., Newark, DE.

Account: RDTE, DW.

Project Description: $1.6 million for NIDS Improved Handheld Biological Agent Detector. The U.S. Army and the U.S. Marine Corps have asked ANP Technologies to develop a light, reliable, and easy-to-use handheld tool for soldiers in the battlefield to test for biological weapons. The handheld detector will be water sealed, have an explosion free battery compartment, dual rechargeable/disposable battery options, and wireless connection capabilities. This system will be better able to protect U.S. soldiers serving in combat and the American people in the homeland in case of biological warfare agent attacks, at lower costs. Funding for this project may be adjusted when the House considers the final spending package.

Name of Project: Army Plant Vaccine Development Program.

Requesting Member: Congressman MICHAEL N. CASTLE.

Bill Number: H.R. 2638.

Legal Name of Requesting Entity: Fraunhofer USA Center for Molecular Biotechnology.

Address of Requesting Entity: 9 Innovation Way, Suite 200, Newark, DE.

Account: RDTE, DW.

Project Description: $1.6 million for Army Plant Vaccine Development Program. The Department of Defense's Defense Threat Reduction Agency is working with Fraunhofer USA in

Newark to develop a combined multivalent one-shot vaccine that protects the Armed Forces and civilian communities against plague and anthrax. A quick response to a potential bioterrorist attack requires the immediate availability of reagents for mass therapeutic treatment or for mass vaccination. Fraunhofer USA's system has shown to be highly efficient and flexible for the rapid, large-scale production of a wide variety of vaccine antigens and other recombinant proteins, and has the potential to provide a quick response in providing massive amounts of reagents in a short period of time. Funding for this project may be adjusted when the House considers the final spending package.

Name of Project: Integrated Warfighter Biodefense Program.

Requesting Member: Congressman MICHAEL N. CASTLE.

Bill Number: H.R. 2638.

Legal Name of Requesting Entity: Quantum Leap Innovations, Inc.

Address of Requesting Entity: 3 Innovation Way, Suite 100, Newark, DE.

Account: RDTE, N.

Project Description: $3 million for Integrated Warfighter Biodefense Program. The U.S. Navy is working with Quantum Leap Innovations to develop technologies to protect sailors and marines from asymmetric threats such as biological weapons attacks and pandemic influenza. This project will develop solutions for the Navy to monitor these emergent threats and provide early detection and casualty reduction for U.S. forces. Funding for this project may be adjusted when the House considers the final spending package.

Name of Project: Millimeter Wave Imaging.

Requesting Member: Congressman MICHAEL N. CASTLE.

Bill Number: H.R. 2638.

Legal Name of Requesting Entity: University of Delaware.

Address of Requesting Entity: 107 Hullihen Hall, Newark, DE.

Account: RDTE, N.

Project Description: $1.6 million for Millimeter Wave Imaging. The U.S. Navy's Office of Naval Research is working with the University of Delaware to develop a millimeter wave imaging system based on the use of visible wavelength lasers. Through this project, the Navy is developing depleted aperture imaging systems that are based on up-converting millimeter wave signals to optical signals for the purposes of imaging. From a national defense perspective, the applications of the University's millimeter wave imaging system are far-reaching in that U.S. soldiers will be able to image behind bunkers and through dust, fog, and sandstorms, thus improving their situational awareness in combat. Funding for this project may be adjusted when the House considers the final spending package.

Name of Project: High Power Voice and Siren System in the boundaries of the city of Newark.

Requesting Member: Congressman MICHAEL N. CASTLE.

Bill Number: H.R. 2638.

Legal Name of Requesting Entity: City of Newark, DE.

Address of Requesting Entity: 220 Elkton Rd., P.O. Box 0390, Newark, DE.

Account: FEMA Predisaster Mitigation.

Project Description: $300,000 for High Power Voice and Siren System in the boundaries of the city of Newark. The project is part of the FEMA pre-disaster mitigation program, and the goal is to implement an effective option for warning the public of threatening situations including attacks and dangerous weather. The system will provide an initial alert followed by a detailed message that will serve to reduce confusion and panic and assist in saving lives and restoring order. Funding for this project may be adjusted when the House considers the final spending package.

EARMARK DECLARATION

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. SHIMKUS. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2638.

Requesting Member: JOHN M. SHIMKUS.

Bill Number: H.R. 2638

The account: Defense, Procurement of Ammunition, Army. Account 042, Provision of Industrial Facilities.

Requesting Entity: General Dynamics, 6650 Route 148, Marion Illinois.

This program will establish a flexible small caliber trace charging and bullet/cartridge assembly production line adjacent to the medium caliber lines at GD-OTS' Marion, Illinois ammunition production facility. This cost effective approach builds upon the existing manufacturing base and infrastructure at this plant and it capitalizes on the resident talent and expertise at Marion. This capability will be established on a noninterference basis without interrupting current 2nd Source small caliber deliveries.

Requesting Member: JOHN M. SHIMKUS.

Bill Number: H.R. 2638.

I am requesting language to ensure that until such time as preliminary flood insurance rate maps in the city of St. Louis, St. Charles, and St. Louis, counties in Missouri and Madison, Monroe, and St. Clair counties in Illinois initiated prior to October 1, 2008 are completed and released for public review, preliminary base flood elevations are published in the Federal Register, and the second required local newspaper publication of such base flood elevations is made that the Administrator shall not begin the statutory appeals process required under section 1363 of the National Flood Insurance Act of 1968. I certify that neither I nor my spouse has any financial interest in this project.

EARMARK DECLARATION

HON. JOHN E. PETERSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. PETERSON of Pennsylvania. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I requested and were included in H. Res. 1488, Providing for consideration of the Senate amendment to the bill (H.R. 2638) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes. Consistent with the Republican Leadership's policy on earmarks, I hereby certify that to the best of my knowledge this earmark: (1) is not directed to an entity or program that will be named after a sitting Member of Congress; (2) is not intended to be used by an entity to secure funds for other entities unless the use of funding is consistent with the specified purpose of the earmark; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

Member: Congressman JOHN E. PETERSON.

Bill Number: H. Res. 1488 (H.R. 2638).

Provision: RDTE, N, Line# 183, PE# 0205633N.

Legal Name of Requesting Entity: Impact Technologies.

Address of Requesting Entity: 2571 Park Center Blvd., State College, PA 16801.

Description of Project: This project provides $2.4 million for FY09 in the DoD RDTE account for F/A–18 Avionics. The entity to receive funding for this project is Impact Technologies, 2571 Park Center Blvd., State College, PA 16801. It is my understanding that the funding will be used for a ground support system for the F/A–18 Avionics. The system would be developed to enable cost effective avionics and flight control fault isolation, repair, and management at different support levels.

Member: Congressman JOHN E. PETERSON.

Bill Number: H. Res. 1488 (H.R. 2638).

Provision: RDTE, Z, Line# 139, PE# 0605790D8Z.

Legal Name of Requesting Entity: TRS Technologies, Inc.

Address of Requesting Entity: 2820 East College Ave., State College, PA 16801.

Description of Project: This project provides $1.2 million for FY09 in the DoD RDTE account for Ferroelectric Component Technologies. The entity to receive funding for this project is TRS Technologies Inc., 2820 East College Ave, State College, PA 16801. It is my understanding that the funding will be new ferroelectric components. These components are used as power sources for electromagnetic munitions designed to remotely and non-lethally disrupt electronics in targeted threats and IEDs.

EARMARK DECLARATION

HON. JOHN E. PETERSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Member: Congressman JOHN E. PETERSON

Bill Number: H. Res. 1488 (H.R. 2638)

Provision: RDTE, A, Line# 28, PE# 0602787A

Legal Name of Requesting Entity: KCF Technologies

Address of Requesting Entity: 112 West Foster Ave, State College, PA 16801

Description of Project: This project provides $2.4 million for FY09 in the DoD RDTE account for self-powered prosthetic limb technology. The entity to receive funding for this project is KCF Technologies, 112 West Foster Ave, State College, PA 16801. It is my understanding that the funding will be used for

lower-limb prosthetic technologies. The objective of this project is to further develop an energy harvesting device as a component in a lower extremity prosthetic limb.

Member: Congressman JOHN E. PETERSON

Bill Number: H. Res. 1488 (H.R. 2638)

Provision: RDTE, A, Line# 147, PE# 605805A

Legal Name of Requesting Entity: NanoBlox, Inc.

Address of Requesting Entity: 101 Technology Center, State College, PA 16802

Description of Project: This project provides $1.6 million for FY09 in the DoD RDTE account for domestic production of nanodiamond for military operations. The entity to receive funding for this project is NanoBlox, Inc., 101 Technology Center, State College, PA 16802. It is my understanding that the funding will be used to create a secure, domestic supply of commercial nanodiamond. This nanodiamond supply will contribute to military and civilian application and development.

EARMARK DECLARATION

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. SPRATT. Madam Speaker, under section 220 of S. Con. Res. 70, the Concurrent Resolution on the Budget for fiscal year 2009, I hereby submit for printing in the CONGRESSIONAL RECORD a revision to the budget aggregates for the period of fiscal years 2009 through 2013. This is in response to consideration of the bills HR 7005 (Alternative Minimum Tax Relief Act of 2008) and HR 7006 (Disaster Tax Relief Act of 2008). A table is attached.

Under section 323 of S. Con. Res. 70, this adjustment to the budget allocations and aggregates applies while the measure is under consideration. For purposes of the Congressional Budget Act of 1974, as amended, a revised allocation made under section 323 of S. Con. Res. 70 is to be considered as an allocation included in the resolution.

Any questions may be directed to Ellen Balis or Gail Millar.

BUDGET AGGREGATES

[On-budget amounts, in millions of dollars]

	Fiscal year 2008 [1]	Fiscal year 2009 [1, 2]	Fiscal years 2009–2013
Current Aggregates:			
Budget Authority	2,456,198	2,462,544	n.a.
Outlays	2,437,784	2,497,322	n.a.
Revenues	1,875,401	2,029,653	11,780,263
Change for consideration of The Alternative Minimum Tax Relief Act (H.R. 7005) and The Disaster Tax Relief Act (H.R. 7006):			
Budget Authority	0	0	n.a.
Outlays	0	0	n.a.
Revenues	0	0	340,570
Revised Aggregates:			
Budget Authority	2,456,198	2,462,544	n.a.
Outlays	2,437,784	2,497,322	n.a.
Revenues	1,875,401	2,029,653	12,120,833

n.a. = Not applicable because annual appropriations Acts for fiscal years 2010 through 2013 will not be considered until future sessions of Congress.

[1] Current aggregates do not include spending covered by section 301(b)(1) (overseas deployments and related activities). The section has not been triggered to date in Appropriations action.

[2] Current aggregates do not include Corps of Engineers emergency spending assumed in the budget resolution, which will not be included in current level due to its emergency designation (section 301(b)(2)).

EARMARK DECLARATION

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. FRELINGHUYSEN. Madam Speaker, in compliance with new ''earmark'' disclosure procedures adopted by the House Republican Conference, I hereby provide the following information regarding requests for funding I made of the House Appropriations Committee for inclusion in the Department of Defense (DoD) Act for Fiscal Year 2009.

Specifically, the projects will be included in Title IV, Research, Development, Test and Evaluation.

The FY 2009 Defense Appropriations Act includes:

$5 million for Remotely Operated Weapons Systems, Weapons and Munitions Technology. The entity to receive the funding for this project is the United States Army, specifically the Armament Research Development and Engineering Center (ARDEC) located at Picatinny Arsenal, Picatinny, New Jersey, 07806–5000.

The funding will be used to accelerate the development and fielding of critical Remotely Operated Weapon Systems technologies on DoD platforms, increasing soldier survivability while enabling them to perform hazardous missions effectively. The use of U.S. taxpayer funding is justified because this program will provide near-term and long-range benefits to the joint warfighter—Army, Marines, Navy and Air Force.

As this funding will be provided to the United States Army, the requirement of matching funds is not applicable.

$5 million for Advanced Technologies, Energy and Manufacturing Science, Weapons and Munitions Technology. The entity to receive the funding for this project is the United States Army, specifically the Armament Research Development and Engineering Center (ARDEC) located at Picatinny Arsenal, Picatinny, New Jersey, 07806–5000.

Then funding will be used by the Army to meet the urgent need to develop and provide a breadth of innovative technology solutions to the joint warfighter with a focus on the lethality and survivability demands for munitions and armaments. The use of U.S. taxpayer funding is justified because this program will provide near-term and long-range benefits to the joint warfighter—Army, Marines, Navy and Air Force.

As this funding will be provided to the United States Army, the requirement of matching funds is not applicable.

$4 million for Developmental Mission Integration, Weapons and Munitions Technology. The entity to receive the funding for this project is the United States Army, specifically the Armament Research Development and Engineering Center (ARDEC) located at Picatinny Arsenal, Picatinny, New Jersey, 07806–5000.

The funding will be used to meet the critical need for the ARDEC to have the capability and flexibility to ''bridge the gap'' between its armaments research activities and Current Force requirements through a dedicated effort to mature, update, prototype and ''spin out'' armament and munitions technologies needed by the warfighter in the near term (6 to 12 months). The program will develop, demonstrate and transition critical armaments, munitions and logistics technologies needed by Army Brigade Combat Teams and Special Forces prior to (i.e. reset periods) and during deployment. The use of U.S. taxpayer funding is justified because this program will provide near-term and long-range benefits to the joint warfighter—Army, Marines, Navy and Air Force.

As this funding will be provided to the United States Army, the requirement of matching funds is not applicable.

$3.2 million for Rapid Prototyping for Special Projects, Weapons and Munitions Technology. The entity to receive the funding for this project is the United States Army, specifically the Armament Research Development and Engineering Center (ARDEC) located at Picatinny Arsenal, Picatinny, New Jersey, 07806–5000.

The funding will be used to capitalize on ARDEC's unique scientific and engineering capabilities to develop lethal and non-lethal solutions for the joint warfighter in periods of less than 6 months. The use of U.S. taxpayer funding is justified because this program will provide near-term and long-range benefits to the joint warfighter—Army, Marines, Navy and Air Force.

As this funding will be provided to the United States Army, the requirement of matching funds is not applicable.

$2.4 million for Mitigation of Energetic Single Point Failures, Weapons and Munitions Technology. The entity to receive the funding for this project is the United States Army, specifically the Armament Research Development and Engineering Center (ARDEC) located at Picatinny Arsenal, Picatinny, New Jersey, 07806–5000.

Funding will be used to reduce single point failures which may lead to increased costs and jeopardize production of critical munitions required by the joint Warfighter. This effort will help increase the overall quality of ammunition items for the soldier and reduce the potential for disruption of armament production within

the industrial base and the joint armed services. The use of U.S. taxpayer funding is justified because this program will provide near-term and long-range benefits to the joint warfighter—Army, Marines, Navy and Air Force.

As this funding will be provided to the United States Army, the requirement of matching funds is not applicable.

$1.6 million for JM&L Joint Munitions and Lethality Mission Integration, Munitions Standardization and Effectiveness. The entity to receive the funding for this project is the United States Army, specifically the Joint Munitions & Lethality Life Cycle Management Command (JM&L LCMC) located at Picatinny Arsenal, Picatinny, New Jersey, 07806–5000.

The funding will be used to build a network of strategic partnerships, all coordinated with the organizations associated with the JM&L LCMC. This program will provide an efficient process and will demonstrate how early RDE capabilities and solutions can and should be utilized to ''spiral in'' emerging technologies to expedite new system development or enhance current systems' performance across all services. The use of U.S. taxpayer funding is justified because this program will provide near-term and long-range benefits to the joint warfighter—Army, Marines, Navy and Air Force.

As this funding will be provided to the United States Army, the requirement of matching funds is not applicable.

$2.4 million for JM&L Warfighter Technology Insertion, Munitions Standardization and Effectiveness. The entity to receive the funding for this project is the United States Army, specifically the Joint Munitions & Lethality Life Cycle Management Command (JM&L LCMC) located at Picatinny Arsenal, Picatinny, New Jersey, 07806–5000.

The funds will be used to develop innovative partnerships with non-traditional finance or technology companies to expedite rapid solutions for the soldier. This new network of innovative suppliers will be focused on DoD applications, broadening U.S. suppliers' involvement to support the military. The use of U.S. taxpayer funding is justified because this program will provide near-term and long-range benefits to the joint warfighter—Army, Marines, Navy and Air Force.

As this funding will be provided to the United States Army, the requirement of matching funds is not applicable.

$2.4 million for Rapid Insertion of Developmental Technology, Weapons and Munitions Advanced Technology. The entity to receive funding for this project is the Stevens Institute of Technology at Castle Point on Hudson, Hoboken, NJ 07030, working in partnership with ARDEC at Picatinny Arsenal.

The funding will be used to enhance the Army's ability to accelerate the fielding of new systems and technology that are crucial to the success of ongoing military operations. Such systems increase the protection and survivability of the warfighter as well as enhancing his or her effectiveness in the field. The use of U.S. taxpayer funding is justified because this program will provide near-term and long-range benefits to the joint warfighter—Army, Marines, Navy and Air Force.

As this funding will be provided to the United States Army, the requirement of matching funds is not applicable.

$2.4 million GreenArmaments/Rangesafe, Weapons and Munitions Technology. The entity to receive funding for this project is the Steven's Institute of Technology at Castle Point on Hudson, Hoboken, NJ 07030, working in partnership with ARDEC at Picatinny Arsenal.

The funding will support the Army's Environmental Requirements and Technology Assessment (AERTA) to allow the Army to maintain its training and test and production facilities at the top operational level enabling their continued use to ensure war-fighting readiness. The use of U.S. taxpayer funding is justified because this program will provide near-term and long-range benefits to the joint warfighter—Army, Marines, Navy and Air Force.

As this funding will be provided to the United States Army, the requirement of matching funds is not applicable.

$3.2 million for Armament Systems Engineering—ASEI2, Weapons and Munitions Technology. The entity to receive funding for this project is the Steven's Institute of Technology at Castle Point on Hudson, Hoboken, NJ 07030.

This funding will continue a program to provide the Army with the tools and methods to support systems architectures, adaptability and supportability to allow warfighters to change rapidly with changing battlefield conditions. The use of U.S. taxpayer funding is justified because this program will provide near-term and long-range benefits to the joint warfighter—Army, Marines, Navy and Air Force.

As this funding will be provided to the United States Army, the requirement of matching funds is not applicable.

$3.2 million for Advanced Cluster Energetics, Munitions Standardization and Effectiveness. The entity to receive funding for this project is the New Jersey Institute of Technology at University Heights, Newark, New Jersey 07102–1982, working in partnership with ARDEC at Picatinny Arsenal.

The funding supports a successful program that touches all aspects of manufacturing and performance of munitions: 50% manufacturing cost reduction; insensitive munitions through encapsulated uniform compositions munitions products of superior packing density in the same volume leading to greater performance and a reduced logistics tail. ACE manufacturing technologies are applicable to conventional explosives, insensitive RDX, HMX and PBX-type munitions, nitramine-based propellants, and AP-based rocket propellants and bomb fills. The use of U.S. taxpayer funding is justified because this program will provide near-term and long-range benefits to the joint warfighter—Army, Marines, Navy and Air Force.

As this funding will be provided to the United States Army, the requirement of matching funds is not applicable.

$1.6 million for Enhanced Jam Resistant Technology for INS/GPS Precision, Weapons and Munitions Advanced Technology. The entity to receive funding for this project is L3 Communications, 450 Clark Drive, Budd Lake, New Jersey 07828.

The funding will be used to develop technology for missile and rocket systems to counter electronic jamming attempts resulting from the proliferation of relatively low-cost, sophisticated and powerful GPS jammers. This program is important to increase effectiveness of the joint warfighter and reduce potential ''collateral damage'' in any zone of conflict. The use of U.S. taxpayer funding is justified because this program will provide near-term and long-range benefits to the joint warfighter—Army, Marines, Navy and Air Force.

As this funding will be provided to the United States Army, the requirement of matching funds is not applicable.

$2.4 million for Lightweight Trauma Module, Medical Materiel/Medical Biological Defense. The entity to receive funding for this project is Impact Instrumentation at 27 Fairfield Place, West Caldwell, NJ 07006.

This funding will allow the Army to incorporate newer medical device technologies to result in a 60% decrease in mass and cube through the integration of five separate, bulky and uncoordinated patient movement (PM) devices. The use of U.S. taxpayer funding is justified because this program will provide near-term and long-range benefits to the joint warfighter—Army, Marines, Navy and Air Force.

As this funding will be provided to the United States Army, the requirement of matching funds is not applicable.

$1.6 million for Ink-based Desktop Electronic Material Technology, University and Industry Research Centers. Funding for this project will flow through Picatinny Arsenal in New Jersey to Honeywell Corporation, headquartered at 101 Columbia Road, Morristown, New Jersey 07962.

The funding will allow the Army to develop specialized inks that are wholly capable of fabricating electronics that would be printed on desktop printers and then incorporated into electronics. Army funding for innovative ink-based technology would lower costs and provide the Army with significant weight improvements resulting in improved mobility and point-of-use printing capability. This innovation would replace expensive traditional electronics that are primarily manufactured in semi-conductor facilities overseas. The use of U.S. taxpayer funding is justified because this program will provide near-term and long-range benefits to the joint warfighter—Army, Marines, Navy and Air Force.

As this funding will be provided to the United States Army, the requirement of matching funds is not applicable.

$800,000 for Large Area, APVT Materials for Hi-Powered Devices, Materials. The entity to receive funding for this project is II–VI Corporation, 20 Chapin Road, Suite 1005, Pine Brook, NJ 07058.

The funding will allow the Air Force to develop Silicon Carbide technologies with several key advantages over current technologies, including higher power density, better heat dissipation and increased bandwidth, thus making it an enabling technology for critical national defense applications. The use of U.S. taxpayer funding is justified because this program will provide near-term and long-range benefits to the joint warfighter—Army, Marines, Navy and Air Force.

As this funding will be provided to the United States Air Force, the requirement of matching funds is not applicable.

$800,000 for Lightweight Multifunctional Material Technology, Weapons and Munitions—SDD. The entity to receive funding for this project is Frontier Polymers, 20 Robert Street, Parsippany, New Jersey 07054, working with ARDEC at Picatinny Arsenal.

The funding will allow the Army to improve its ammunition packaging and handling systems and enhance the protection of medium

and large caliber ammunition used throughout the military. The concepts in this program (fire/ballistic resistance, reduced weight) can be applied to packaging for a wide range of munitions. The use of U.S. taxpayer funding is justified because this program will provide near-term and long-range benefits to the joint warfighter—Army, Marines, Navy and Air Force.

As this funding will be provided to the United States Army, the requirement of matching funds is not applicable

$1.6 million M–PACT Pure Air Generator, Small Diameter Bomb. The entity to receive funding for this project is Marotta Scientific Controls, 78 Boonton Avenue, Montville, New Jersey 07045.

The funding will be used to allow the Air Force to complete development of an enhanced high pressure pure air generator (HPPAG) system designed to meet the specific operational requirements of the Small Diameter Bomb (SDB) program. The use of U.S. taxpayer funding is justified because this program will provide near-term and long-range benefits to the joint warfighter.

As this funding will be provided to the United States Air Force, the requirement of matching funds is not applicable.

$800,000 for IM Formulation of Anthrax Therapeutic, Chemical and Biological Defense Program. The entity to receive funding for this project is Elusys Therapeutics, 25 Riverside Drive, Pine Brook, NJ 07058.

This funding will allow the Department of Defense to develop a more viable treatment for unvaccinated defense personnel worldwide who have suffered from anthrax exposure. The use of U.S. taxpayer funding is justified because this program will provide near-term and long-range benefits to the joint warfighter—Army, Marines, Navy and Air Force.

As this funding will be provided to the United States Department of Defense, the requirement of matching funds is not applicable.

EARMARK DECLARATION

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. ROGERS of Alabama. Madam Speaker, in accordance with the Republican Conference standards regarding Member initiatives, I am submitting the following information regarding the earmark I received as part of the H.R. 2638—The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Requesting Member: Congressman MIKE ROGERS (Alabama).

Bill Number: H.R. 2638—The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: AP, Air Force.

Legal Name of Entity: Alliant Techsystems, Inc.

Address of Requesting Entity: 5050 Lincoln Drive, Edina, MN, 55436.

Description of Request: This earmark provides $7,200,000 for RC–26B Modernization. The RC–26B performs critical intelligence, surveillance and reconnaissance (ISR) missions in support of national disaster response by the Department of Homeland Security (DHS), Customs and Border Protection (CBP), Air National Guard, and in direct support of Special Operations Forces. The Air National Guard (ANG) operates a fleet of eleven RC–26B aircraft that provide support to individual states for disaster relief and counter-drug missions. The RC–26B platform provided excellent, real-time imagery during the 2007 extended fire season and in the aftermath of Hurricane Katrina in 2005. As the demands for the RC–26Bs proven utility increased, non-availability of the platform have prevented ANG crews from performing their domestic assigned missions. Special Operations Command funded the modification of five RC–26B aircraft—to provide ISR missions in support of deployed operations. With five RC–26B aircraft deployed in support of missions outside of the continental United States, an availability vacuum at the state level has occurred. The remaining six RC–26B aircraft (from Mississippi, Arizona, Florida, Texas, West Virginia and New York) are not sufficient to support the disaster relief and counter-narcotics missions of both the ANG and DHS/CBP. Without additional FY 2009 funding to upgrade the RC–26B aircraft, the ability of the ANG to respond to future DOD ISR, DHS/CBP, counter-narcotics and disaster relief missions will be impaired, even as the demands for this low density asset increases. The Air National Guard in Montgomery, AL will benefit from this funding.

Requesting Member: Congressman MIKE ROGERS (Alabama).

Bill Number: H.R. 2638—The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: RDTE, Army.

Legal Name of Entity: Auburn University.

Address of Requesting Entity: 202 Samford Hall, Auburn, AL 36849.

Description of Request: This earmark provides $2,800,000 for Logistical Fuel Processors for Army Development Program. This funding will be used for TARDEC/NAC (i.e., U.S. Army Tank Automotive Research Development and Engineering Center/National Automotive Center) to complete research and development of a hydrocarbon catalytic reforming and cleaning system/methodology capable of taking high sulfur containing logistic fuels such as JP–8 and converting them on demand into high purity hydrogen for use in fuel cell powered APU's (auxiliary power units) and ground-based military vehicles. The funding will be retained by OSD and TARDEC/NAC for administrative and technical support functions and will be used by Auburn University to complete R&D activities. The funds going to Auburn University subcontracting expenses are anticipated for R&D and technical support provided by the Anniston Army Depot, IntraMicron Inc. (of Auburn, Alabama), and at least one other technology provider. All subcontracts from Auburn University will be approved by the DOD technical program manager and the respective contracting officers at the DOD and Auburn University. This request is in direct support of the U.S. Army Tank Automotive Research Development and Engineering Center's program on Fuel Cell Development for Military Vehicles as conducted by their National Automotive Center. The technical program is in support of national defense and is being conducted by Auburn University, an entity of the State of Alabama. No cost-sharing is required or is being provided.

Requesting Member: Congressman Mike Rogers (Alabama).

Bill Number: H.R. 2638—The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: RDTE, Army.

Legal Name of Entity: Electric Fuel Battery Corporation.

Address of Requesting Entity: 354 Industry Drive, Auburn, AL 36832.

Description of Request: This earmark provides $1,600,000 for Novel Zinc Air Power Sources for Military Applications. Funding will be used for further enhancements to and improvements in the core Zinc-Air battery technology, such as shelf life, power and temperature range, as well as furthering the development of our body-worn energy delivery system (Integrated Power System, or IPS) which reduces Warfighter battery carry weight by up to 80 percent and significantly simplifies outfitting and field re-supply. For example, using the IPS, a deployed Warfighter will save $7000 per year just in his reduction in consumption of AA batteries in the field. Finalizing of current form factors currently in development, coupled with further development of new form factors as field research dictates will result in more Warfighters having access to the intrinsic safety of Zinc-Air batteries, which cannot combust or explode even when penetrated by hot projectiles. This benefit is especially vital as the move toward more and more body-worn gear, powered by body-worn batteries, gains traction in our defense forces. This funding will improve cell reliability, and form factor for Land Warrior/Future Force Warrior. It will also enable energy system field testing. The Ranger Regiment (in Iraq and Afghanistan) and PEO Soldier are testing our technology as their power solution.

Requesting Member: Congressman MIKE ROGERS (Alabama).

Bill Number: H.R. 2638—The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: RDTE, Air Force.

Legal Name of Entity: THY Enterprises, Inc.

Address of Requesting Entity: 440 Hillabee St., Alexander City, AL 35010 USA.

Description of Request: This earmark provides $2,000,000 for Next Generation Tactical Environmental Clothing for Air Force Special Operations Command (AFSOC). Funding will be used to continue research and development of the Next Generation of Tactical Environmental Clothing (NGTEC) being conducted with the AFSOC. Funding will be used for research and development of a lighter, quieter, waterproof material, for engineering and manufacturing, laboratory analysis, field assessment, and for risk and plan management. AFSOC Special Tactics Teams and Combat Controllers operate in environments where the extreme effects of physical exertion over difficult terrain result in hypothermia and other related conditions that degrade mission effectiveness. Current clothing articles provided to our combat airmen do not offer the best protection or prevention of these debilitating conditions. Recent developments in fibers research indicates that better materials can be made available for use in under and outer garments to greatly reduce the effects of moisture on the body. These capabilities, which now include a thermally efficient wicking concept, combined with water-proof and tear resistant fibers should produce a garment with superior

protective characteristics. This technology is at hand, and THY's early prototypes have been field tested and found to resolve several of the shortcomings highlighted by troops from cold weather training exercises in Montana, and from the current combat theaters of operation.

Requesting Member: Congressman Mike Rogers (Alabama).

Bill Number: H.R. 2638—The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: RDTE, Air Force.

Legal Name of Entity: Davidson Technologies.

Address of Requesting Entity: 530 Discovery Drive, Huntsville, Alabama 35806

Description of Request: The earmark provides for $1,600,000. The funding is for the continued development and accreditation of Space Control Test Capabilities to support the Air Force's requirement to integrate offensive and defensive space control elements into a single System-of-Systems counterspace system approach; specifically, to address the optimization of C^2 processes and resources, and to develop a cost assessment tool for the government to test space control systems in a simulated environment before costly hardware development begins. Space Control Test Capabilities supports the Air Force Space Control mission areas and mission support as outlined in the Air Force's ''Strategic Master Plan for FY 2006 and beyond'', the ''Joint Doctrine for Space Operations (JP 3–14)'', and the ''Counterspace Operations (JP 2–2.1)''. The SCTC software suite allows the warfighters the capability to develop net-centric System-of-Systems architecture-based C^2 models.

Warfighters also have the ability to model Friend or Foe C^2 structures yielding the analysis of vulnerabilities and/or strengths. Based on funding of $2,000,000, the spending plan would have been as follows, and will be adjusted to meet the final amount mentioned above. Engineering Salaries (including Software Engineering, Systems Engineering, Design, Requirements and Documentation, Test Engineering, and Configuration Management): 1,780,000; Software Licensing (Goes toward software accreditation process): $10,000; Travel to Colorado Springs, AF Space Command: $10,000; Government Pass-through Costs: $200,000.

Requesting Member: Congressman MIKE ROGERS (Alabama)

Bill Number: H.R. 2638—The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: RDTE, Army.

Legal Name of Requesting Entity: Westar Aerospace & Defense Group, Inc.

Address of Requesting Entity: 890 Explorer Boulevard, Huntsville, AL 35806.

Description of Request: The earmark provides for $1,200,000 which provides the digital modeling and simulation infrastructure for systems to defend high priority assets from attack by missiles (cruise and tactical). The funding will be used for salaries of engineers and analysts working on the project. The future Integrated Air and Missile Defense system will provide a lethal net-ready force with an increased span of control and a smaller deployment footprint. The smaller footprint will make sustainment in the field less expensive. The use of networked battle command and improved capabilities for situational awareness and soldier training will dramatically increase overall system effectiveness, survivability and force protection.

Requesting Member: Congressman MIKE ROGERS (Alabama).

Bill Number: H.R. 2638—The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: RDTE, Army.

Legal Name of Requesting Entity: Torch Technologies.

Address of Requesting Entity: 4035 Chris Dr. Suite C, Huntsville, AL 35802.

Description of Request: The earmark is for $800,000 for Army Aviation Weapon Technology. This funding provides for transferring armed US Navy Unmanned Aircraft Systems (UAS) weapons interoperability technology to both unmanned and manned Army aviation. The resources will (1) transition technology from the Navy to the Army, and (2) establish a means for certifying the resulting interoperability that would be available for the industry base. It is leveraging technology shown to be feasible though a Navy Unmanned Aircraft Systems Small Business Innovative Research Program and transitions the technology to the Army. Analysis conducted by the Army has shown that the benefit from this investment will be a more interoperable approach to weapons integration which is expected to (1) provide as much as 50 percent in cost avoidance for future integration costs for weapons onto manned and unmanned aircraft, and (2) provide a means to provide accredited tools to the weapon and platform originating equipment manufacturers increasing probability for on time an on cost delivery of their products for use with Army Aviation. No matching funds are anticipated from the Army, however, this investment in the FY09 budget sets Army Aviation up for future cost avoidance of the anticipated weapon integration requirements of the Joint Air to Ground Missile (JAGM) and the Aviation Multipurpose Missile System (AMPM).

Requesting Member: Congressman MIKE ROGERS (Alabama).

Bill Number: H.R. 2638—The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: RDTE, Army.

Legal Name of Requesting Entity: Frontier Technology, Inc.

Address of Requesting Entity: 75 Aero Camino Suite A, Goleta, CA 93117.

Description of Request: The earmark is for $1,600,000. The funding will be used for Army Aviation Weapon Technology the Enhanced Military Vehicle Maintenance System Demonstration Project with Anniston Army Depot and Auburn University. This project identifies difficult to detect failure modes that must be serviced while the vehicle is undergoing maintenance. It models vehicle conditions to ensure that the vehicle is restored to an optimum state of operation prior to return to service. This cost effective technology can be modified for various military vehicles to detect problems not typically reported using threshold or trend systems. It can detect problems before they happen, preventing breakdowns in battlefield environments. The system will successfully verify that vehicles repaired at the Depot have been restored to an optimum state of operation prior to redeployment. The Enhanced Military Vehicle Maintenance System provides the cutting edge, cost effective technology that can help ensure more rapid and reliable deployment of critical military vehicles during this period when our equipment is under extreme and extended use.

Requesting Member: Congressman Mike Rogers of Alabama.

Bill Number: H.R. 2638—The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: Federal Emergency Management Agency.

Legal Name of Requesting Entity: Center for Domestic Preparedness (Federal Training Facility).

Address of Requesting Entity: Anniston, Alabama.

Description of Request: The earmark is for $62.5 million. The Center for Domestic Preparedness is located in Anniston, Alabama. It is a key training Federal facility operated by the Department of Homeland Security. It is the only weapons of mass destruction (WMD) training facility that provides hands-on training to civilian emergency responders which includes live chemical agents. The Center is a leading member of the National Domestic Preparedness Consortium. For Fiscal Year 2008, Congress provided $62.5 million for the Center for Domestic Preparedness. In addition, the 9/11 Recommendations Implementation Act of 2007, which the President signed into law on August 3, 2007, included language that authorized increases in funding for the Center over a period of four years. (Sec. 1204, P.L. 110–53). The House Appropriations Committee bill recommended a funding level consistent with the president's budget. The Senate Appropriations Committee recommended last year's funding level of $62.5 million. This bill contains the Senate amount.

HONORING PEGGY TORTORICE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. KILDEE. Madam Speaker, I rise today to ask the House of Respresentatives to join me in congratulating Peggy Tortorice as she retires from the Genesee Intermediate School District Board of Education. A reception honoring Peggy will be held on October 8th in Flint, Michigan.

Peggy has served on the Genesee Intermediate School District Board of Education since July 1, 1977. During this time she spent 8 years as the board's president. Prior to her service with the Genesee Intermediate School District, Peggy served on the Clio Board of Education from 1967 to 1976. During her tenure, Peggy worked tirelessly to achieve a productive educational environment for students throughout Genesee County. She was influential in the development of Mott Middle College, Genesee County's Network for Education Telecommunications, the Health, Safety and Nutrition Service Department, and the Genesee Early College on the campus of the University of Michigan-Flint.

Peggy is a member and president of the Genesee County Education Foundation. She is a member of the Genesee County Association of School Board Members, a member of the Michigan Association of School Boards, and the National School Boards Association. The Michigan Association of School Boards

has bestowed their Award of Merit, Award of Distinction, Master Board Member Award, Master Diamond Award, Master Platinum Award and the President's Award of Recognition on Peggy.

Madam Speaker, I ask the House of Representatives to join me in applauding the work of Peggy Tortorice. The students of Genesee County owe her a debt of gratitude for her vision, commitment, and dedication to improve the climate of learning. She has provided an example and inspiration to educators everywhere and I wish her the best as she enters this next phase of her life.

RECOGNIZING EUROPE'S BLACK POPULATION

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce a resolution recognizing Europe's Black population and expressing solidarity with their struggle.

On April 29, 2008, I chaired the U.S. Helsinki Commission hearing entitled, ''The State of (In)visible Black Europe: Race, Rights, and Politics'' which focused on the more than 7 million people who make up Europe's Black or Afro-descendant population.

Despite their numerous contributions to European society, like African-Americans here, many Black Europeans face the daily challenges of racism and discrimination.

This includes being the targets of violent hate crimes, many of which have resulted in death. Existing inequalities in education, housing, and employment remain a problem and racial profiling is a norm. Few Black Europeans are in leadership positions and political participation is also limited for many, providing obstacles for addressing these problems.

In an effort to raise public awareness of these issues at the national and international level, the Black European Women's Council, BEWC, was launched on September 9, 2008 at the European Union's headquarters. More than 130 Black women from across Europe came to ''insist on the recognition and inclusion of Black Europeans economically, politically, and culturally.''

This resolution supports BEWC's fight for equality and urges European governments to implement recently introduced anti-discrimination legislation and other plans of action, including a fund for victims incapacitated as a result of a hate crime.

Given the history of our own country, an increase in transatlantic cooperative efforts between our government and European governments, U.S. and European based civil rights groups, and within the private sector would also provide useful partnerships and assistance in combating racism and discrimination abroad and at home.

This resolution therefore also calls on the U.S. government to increase support for public and private sector initiatives focused on combating racism and discrimination in Europe as part of our efforts to support global human rights.

I urge my colleagues to join me in supporting this Resolution Recognizing Black Europeans and encourage them to review the statements and submissions from the Helsinki Commission's Black Europe Hearing at www.csce.gov. Additionally, I would like to submit the following background materials on Black Europeans for the official record.

EARMARK DECLARATION

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr . GINGREY. Madam Speaker, in accordance with House Republican Conference standards, and Clause 9 of Rule XXI, and in addition to the projects I have already listed in the record for the Military Construction and Veterans Affairs Appropriations Act for Fiscal Year 2009 and the National Defense Authorization Act for Fiscal Year 2009. Funding for these requests was contained in the Department of Defense Appropriations Act for Fiscal Year 2009.

Requesting Member: Congressman PHIL GINGREY.

Bill Number: H.R. 2638.

Account: RTDE, Army.

Legal Name of Requesting Entity: Printpack, Inc.

Address of Requesting Entity: Printpack, Inc. 2800 Overlook Drive NE, Atlanta, GA 30345–2024.

Description of Request: The budget request includes $21.9M in PE62786A for Applied Research of new warfighter technologies of which $5.3M is allocated for Joint Service Combat Feeding Technology. The $1,680,000 added to this account will be used to develop new and innovative packaging and processing technologies for the Warfighter's combat rations. These funds will result in the ability to provide greater variety and more nutritional rations with longer shelf-life and reduced production costs.

The objective of this effort is to develop advanced thermal processing techniques based on the utilization of non-foil materials for military ration packaging. The importance of developing non-foil packaging materials will serve as a precursor to the next stage of the R&D effort which will investigate new and enhanced thermal processing techniques; specifically, Enhanced High Pressure Processing (EHPP) and Microwave Sterilization (MW) technologies. The EHPP and MW processing technologies have numerous advantages over conventional thermal processing; however, these processes cannot be used on current foil packaging because they cause blistering and flex cracking of the foil packaging material. Therefore, to achieve the advantages of advanced EHPP and MW processing, it is essential to use state-of-the-art, non-foil packaging materials. The development of advanced, non-foil packaging materials and utilization of innovative EHPP and MW processing techniques will result in the provision of rations with the following beneficial and enhanced qualities: greater variety, better taste, more nutrition, longer shelf-life, lower overall production costs, environmentally friendly, less volume and waste. The FY09, effort will consist of three stages and is budgeted as follows: Stage 1: Blistering ($0.14M), Stage 2: Flex Crack Resistance ($0.26M), Stage 3: EHPP & MW Trials ($1.7M).

Requesting Member: Congressman PHIL GINGREY.

Bill Number: H.R. 2638.

Account: RTDE, Defense Wide.

Legal Name of Requesting Entity: Georgia Institute of Technology.

Address of Requesting Entity: Georgia Institute of Technology, GTRI Cobb County Research Facility, 7220 Richardson Road, Smyrna, GA 30080.

Description of Request: The $5,000,000 appropriated for Advanced Surface-to-Air-Missile (SAM) Hardware Simulator Development will reinvigorate the simulator development process and provide a simulator that can be used for electronic warfare (EW) development and testing while the simulator community revives its ability to develop and field SAM simulators. The funding will be used for research and charged to the Department of Defense at prenegotiated rates. The overall initiative would be conducted in two phases. Funding is appropriated for an initial 18–24 month effort termed Integrated Technical Evaluation and Assessment of Multiple Sources (ITEAMS) and Simulator Design. Managing the effort will be the CTEIP arm of the Defense Resource Management Center (DTRMC), while DIA/MSIC will execute the program as part of their responsibility for advanced SAM systems. Subsequent phase will develop the actual simulator device for use in DoD-wide testing of Aircraft Countermeasures.

One of the by-products of the collapse of the Soviet Union is that Russian SAM systems became available for purchase through FME/FMA programs. This has been a boon for the EW and test communities (DTE & OTE) in that they have been able to use actual SAM systems, as opposed to SAM simulators, to develop and test EW equipment and tactics against Russian SAM systems. While providing the aforementioned benefit, the availability of actual Russian SAM systems has had the negative effect of curtailing development of SAM simulators. At the same time, the Russians have continued to develop advanced SAM systems. Further, the Chinese have continued their development of advanced SAM systems, and other, third-world countries have been purchasing and modifying Russian SAM systems. Intelligence estimates are that these advanced and modified SAM systems will not be available for purchase by the U.S. in the foreseeable future.

The result of the above is that the U.S. EW and test communities are hampered in their development of EW equipment and tactics against advanced Russian and Chinese SAM systems, or against modified, third-world, SAM systems. This is particularly troubling because these threats are critical requirements drivers for many U.S. acquisition and upgrade programs including the JSF, AWACS, EF–18G, AARGM, J-UCAS, F–22, and JASSM. While it is believed that the simulator development community will recover its ability to field simulators of advanced SAM systems, such recovery will take a long time. Also, unless action is taken soon, the recovery will be hampered by the fact that the corporate knowledge needed to develop threat-representative simulator designs is being lost through retirement and personnel shifts.

Requesting Member: Congressman PHIL GINGREY.

Bill Number: H.R. 2638.

Account: RTDE, Defense Wide.

Legal Name of Requesting Entity: Scientific Research Corporation.

Address of Requesting Entity: Scientific Research Corporation, 2300 Windy Ridge Parkway, Suite 400, Atlanta, GA 30339.

Description of Request: This program will utilize recently developed Wavelet Packet Modulation (WPM). The $1,600,000 appropriated will be used to implement design modifications for limited rate initial production, including form factor packaging changes for ruggedization and for integration with signal intelligence systems. Additionally, production readiness for integration with existing communications systems will occur. Finally, module testing will be subjected to continued assessment and utility testing on multiple platforms. The enhanced modules will then undergo a final government Production Readiness Review, paving the way for subsequent deployment. Covert WPM Communications Modules as communications links for multiple platforms, including unmanned aerial systems, provide a critical solution to special operations warfighters that require the ability to communicate covertly without detection. Funding is required for hardware and software engineering, integration, and test (64%); specialized equipment (21%); specialized software (13%); and travel to U.S. Special Operations Command and to military test sites (2%). This request is consistent with the intended and authorized purpose of the U.S. Special Operations Command Special Operations Tactical Systems Development program.

Requesting Member: Congressman PHIL GINGREY.

Bill Number: H.R. 2638.

Account: Other Procurement, Army.

Legal Name of Requesting Entity: Meggitt Training Systems.

Address of Requesting Entity: Meggitt Training Systems, 7340 McGinnis Ferry Road, Suwanee, GA 30024.

Description of Request: The $4,000,000 appropriated will continue the multi-year upgrade and modernization of existing firearms simulation systems in the Army National Guard necessary to meet the validated system standard. The modernization includes the conversion to digital systems and acquiring tetherless simulated weapons that allow better freedom of movement and enhanced realism than the tethered version. The Army National Guard views modernization as critical to resolving an immediate mandatory small-arms training need in support of the Guard's role in the global war on terrorism and homeland security.

The system features courseware and training scenarios that address new and complex tactical situations and provides soldiers with the ability to conduct weapons, judgmental, and military training in a tactical environment built on geo-specific terrain databases. It simulates tactical small unit defensive and offensive situations such as security operations, fire & maneuver, and hostage & clearing operations in built-up urban areas.

Small unit leaders use the system to conduct mission planning and rehearsal. Indirect fire, close air support, and combined arms training capability are included. Additionally, the system's embedded scenario authoring capability allows the user to quickly author a scenario reflecting emerging doctrinal and/or mission requirement changes. Weather effects, environmental conditions, and protective clothing/gear can all be factored into the authored scenario.

Of the 266 systems in the Guard inventory, 169 have not been upgraded. These funds will allow for the upgrade of approximately 45 of those systems.

EARMARK DECLARATION

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. WALSH of New York. Madam Speaker, consistent with Republican transparency standards, the following is a disclosure for each of my requested projects in the FY 2009 Department of Defense Appropriations Bill:

Requesting Member: Rep. JAMES T. WALSH.

Bill Number: FY 2009 Department of Defense Appropriations Bill.

Account: RDT&E, Navy.

Legal Name of Requesting Entity: Photon Gear, Inc., Ontario, NY.

Address of Requesting Entity: 245 David Parkway, Ontario, NY 14519.

Description of Request:

(1) Include $800,000 for Agile Laser Eye Protection.

The Office of Naval Research in conjunction with the Naval Air Systems Command has funded the initial development of a frequency-agile laser eye protection unity magnification goggle. This day-only, unity magnification goggle, demonstrated in earlier laboratory and field testing, is the first ever device capable of providing laser eye protection across the visible and near infrared portion of the spectrum in daytime situations, thereby eliminating the need for multiple, fixed wavelength forms of laser eye protection. Hostile use of lasers against U.S. military assets to inflict personnel injury, damage targeting sensors, and degrade/deny mission success continues to increase. The eyesight of aircrew and electro-optical sensors are susceptible to both temporary and permanent damage and are of particular concern to the U.S. military. Current laser eye protection targets known, fixed wavelength laser threats. These devices require a prior knowledge of the potential threat. Due to limited transmittance these devices cannot provide protection across the entire visible, near infrared portion of the electromagnetic spectrum. An integrated approach to providing frequency-agile-laser laser-eye protection with advanced helmet mounted displays to provide full protection during day and night operations is critical, and would ultimately provide cost savings to the military by eliminating the need for different day/night usable fixed wavelength protection to cover all the potential wavelengths. A fully integrated Unity Magnification Goggle/Modular Advanced Visions System displaying day, night and Forward Looking Infrared scene information and targeting symbology would provide a versatile device that would potentially provide further cost savings while enhancing situational awareness.

Requesting Member: Rep. JAMES T. WALSH.

Bill Number: FY 2009 Department of Defense Appropriations Bill.

Account: RDT&E—Army.

Legal Name of Requesting Entity: Sensis Corporation, Syracuse, NY.

Address of Requesting Entity: 85 Collamer Crossings, East Syracuse, NY 13057.

Description of Request: (1) Include $2 million for the Lookout Small Scale Radar Program.

Hostile fire is extremely devastating for patrol teams in areas of limited visibility such as urban centers, sea ports and canals. The hostile fire typically originates in rapid bursts from well-hidden areas leaving little time for teams to react with effective counter-fire and maneuver. Often the point of origin of the hostile fire is undeterminable, limiting counter-fire to strafing fire with high potential for undesired collateral damage and low probability of neutralizing the threat. Techniques are needed to quickly and accurately identify the origin of hostile fire, rapidly cue precision counter-fire and reduce undesired collateral damage.

In air-to-air and surface-to-air engagement domains, radar, more than any other technology, has proven its effectiveness in directing counter-fire and maneuver. Unfortunately, factors like size, weight, and expense of traditionally configured radar systems have limited its use to just a few ground surveillance applications. Additional investment is needed in small scale radar technology to rapidly transition new architectures to fieldable systems that show promise of improving situational awareness, force survival and engagement effectiveness for deployed forces. SENSIS, Inc. of East Syracuse, NY and Southwest Research Institute of San Antonio, TX have developed small scale radar and tagging technology that can serve as the foundation for accelerating the development of a prototype sniper detection and counter-fire radar systems for deployed forces.

Requesting Member: Rep: JAMES T. WALSH.

Bill Number: FY 2009 Department of Defense Appropriations Bill.

Account: RDT&E—Air Force.

Legal Name of Requesting Entity: Welch Allyn, Skaneateles Falls, NY.

Address of Requesting Entity: 4341 State Street Road, Skaneateles Falls, NY 13153.

Description of Request: (1) Include $2 million for a Personal Status Monitor.

The R&D funding obtained for this project will allow for further development of its smart sensing technologies which provide on-body sensing of physiologic parameters that can be relayed to a remote server by means of a series of wireless relay devices for notification in the case of a critical or life threatening event. Applications include deployment on individuals or groups of individuals who are subject to catastrophic physiologic events such as military personnel, public safety personnel and those with cardiovascular disease.

This R&D will provide the DoD with mobile, wireless monitoring of patients or soldiers who would benefit from being monitored where traditional monitoring has not typically been utilized due to the high cost and weight, high power consumption, lack of instrumentation durability and interoperability, and instrumentation tethering.

Requesting Member: Rep. JAMES T. WALSH.

Bill Number: FY 2009 Department of Defense Appropriations Bill.

Account: Other Procurement, Navy.

Legal Name of Representing Entity: GE Inspection Technologies, Skaneateles, NY.

Address of Requesting Entity: 721 Visions Drive, Skaneateles, NY 13152.

Description of Request:

(1) Include $800,000 for Conditions-Based Inspection Technologies for Propulsion Equipment.

Navy propulsion systems must be inspected at regular intervals. Currently there is little integration of test protocols and individuals performing inspections lack the hardware and software for guided inspection requirements. Also, there is no capability to transmit in real time the data collected during the on-board inspections to remote experts who can make the determination of fitness-for-service of the propulsion system under inspection. This funding will result in the development of hardware and software leading to an interactive introspection reporting system that provides inspection guidance and the ability to communicate, in real time via the internet, with remote experts assisting in the fitness determination of the inspected propulsion system.

Navy propulsion systems have unique features which require integrated solutions outside the commercial application of the described product development. This funding will support the creation of an integrated solution that meets the need of the Navy's nonnuclear propulsion ships but requires a partnering with the Navy to ensure that the integration meets the Navy's unique requirements. The development of software integrated test protocols and real time integration will improve up-time and minimize unnecessary delays during inspections. The inspection standardization will improve overall inspection quality of propulsion systems and reduce the need to take equipment off-line.

Requesting Member: Rep. JAMES T. WALSH

Bill Number: FY 2009 Department of Defense Appropriations Bill

Account: RDT&E—Army

Legal Name of Representing Entity: Syracuse Research Corporation, Syracuse, NY

Address of Requesting Entity: 6225 Running Ridge Road, Syracuse, NY 13212

Description of Request:

(1) Include $3.2 million for Foliage Penetrating, Reconnaissance, Surveillance, Tracking and Engagement Radar (FORESTER).

FORESTER is an ongoing program with radar integration and testing continuing through the remainder of FY 2008 on the A160 Hummingbird. The program objectives are being met, namely to detect and track people and vehicles in the open or through foliage to a range of at least 50 km. FORESTER can also detect and track moving low-altitude air vehicles such as helicopters, small Unmanned Aerial Vehicles, and aircraft to a range of 75 km. Additionally, FORESTER has a real-time radar mode to image targets concealed in the foliage. The FY 2009 request will provide funding necessary to transition FORESTER to the User community and apply the technology to additional platforms.

Currently, U.S. forces have no radar capability to detect and track activity under foliage. FORESTER is an airborne sensor system that provides standoff and persistent wide-area surveillance of dismounted troops and vehicles moving through foliage. Designed and developed to fly on the A160 Hummingbird unmanned helicopter, FORESTER is a one-of-a-kind technology providing the warfighter with all-weather, day-night target detection and tracking capability in real-time. This request would leverage the existing technology to accommodate other platforms and border surveillance applications. Specifically, transition the FORESTER prototype to an operational configuration adding User specific capabilities, including: performance improvements, platform integration, flight test execution, and demonstration of the system on new platforms.

Requesting Member: Rep. JAMES T. WALSH.

Bill Number: FY 2009 Department of Defense Appropriations Bill.

Account: RDT&E—Army.

Legal Name of Representing Entity: Ultralife Batteries, Inc. Newark, NY.

Address of Requesting Entity: 2000 Technology Parkway, Newark, NY 14513.

Description of Request:

(1) Include $1.6 million for a Solid Oxide Fuel Cell Powered Tactical Smart Charger

This funding will be utilized to design, breadboard and test a 1 kW tactical smart lithium ion battery charger powered by a solid oxide fuel cell operating on JP 8, the U.S. Army's logistical fuel.

Charging a high volume of communication and Land Warrior batteries requires high power DC input to the charger from a diesel generator, vehicle battery or AC line power. To effectively operate a 1 kW charger in a forward environment or in a tactical operational area with an unreliable power grid, an efficient, lightweight portable DC power source is required. Power from a vehicle or van battery is not ideal. Incremental batteries added to the charger at a constant given output load require longer and longer charge times, reducing overall efficiency and battery throughput. Diesel generators are not an optimal solution as they are costly, fuel inefficient, have a significant noise and thermal signature, pose significant fuel logistics and require periodic preventative maintenance. Solid oxide fuel cells are three times more efficient than diesel generators. This solution lowers operational fuel costs for chargers. Increased fuel efficiency also improves logistics and handling of fuel, reducing logistical tails and handling risks.

Requesting Member: Rep. JAMES T. WALSH.

Bill Number: FY 2009 Department of Defense Appropriations Bill.

Account: RDT&E—Navy.

Legal Name of Representing Entity: Anaren Corporation, East Syracuse, NY.

Address of Requesting Entity: 6635 Kirkville Road, East Syracuse, NY 13057.

Description of Request:

Include $10.7 million for the Next Generation Phalanx Program with a laser demonstration. Phalanx is a combat proven system that provides effective and affordable terminal defense against rocket, artillery and mortar threats ashore and small boat, aircraft and anti-ship cruise missile threats at sea. As existing threats evolve and new threats emerge, Phalanx must advance to ensure protection for U.S. forces.

The proposed next generation Phalanx roadmap requires the following for FY 2009: (1) continuation of efforts leading to the Critical Design Review for the redesign and repackaging of outdated electronics; (2) incorporation of advanced electro-optical sensor technology; (3) demonstration of high energy laser to successfully defeat traditional and asymmetric threats; (4) inclusion of high reliability upgrades and improved fire control accuracy necessary to facilitate the introduction of directed energy devices; (5) develop portable, stand-alone version of radar for use on small ships. These activities will be completed within the context of open computing architecture and network-centric operations while leveraging existing Navy and joint investments. This effort will also pursue every possible opportunity to reduce both manpower and maintenance requirements. This request is No. 5 on the Chief of Naval Operations FY09 Unfunded Requirements List.

Requesting Member: Rep. JAMES T. WALSH.

Bill Number: FY 2009 Department of Defense Appropriations Bill.

Account: RDT&E—Air Force.

Legal Name of Representing Entity: Hancock Field, Air National Guard, Syracuse, NY.

Address of Requesting Entity: 6001 East Malloy Road, Syracuse, NY 13211.

Description of Request:

(1) Include $3 million for Hancock Field, Syracuse MQ–9 Reaper, UAS Air Portal.

Unmanned Aircraft Systems (UAS) play a vital role in combat operations. These roles now include tactical strike and force protection in addition to ISR (Intelligence, Surveillance and Reconnaissance). For tactical strike missions the operational impacts are significantly different than the typical long endurance ISR missions. Training opportunities for UAS units are often constrained by the lack of adjacent restricted airspace. For units of the Air National Guard (ANG) this presents more numerous and costly problems. A typical ANG unit is made up of part time individuals who are members of a particular unit because they live in the community in which the unit operates. Relocation of the units would have a detrimental effect on force strength. Transportation and remote lodging of these units is expensive and logistically inefficient.

Currently UAS operational safety concerns are dealt with through procedural methods such as limiting operations to restricted airspace, special use airspace or by establishing temporary flight restrictions. In order to fully optimize the full potential of UAS, these types of restrictions need to be overcome. The DOD/NAS integration strategy is an incremental approach that gradually allows a UAS access to airspace in the NAS. The JIPT Strategy for Airspace Integration includes three main phases:

(1) Installation specific CONOPS by platform.

(2) Platform access to any military airfield.

(3) Platform specific access by air category.

While the first phase has been accomplished, and plans are in place for enabling the second phase, completing the final phase entails integration with the FAA. Due to concerns about safety there has been significant resistance to permit file-and-fly access for UAS in the same manner that is available to manned aircraft. Part of the resistance stems from the lack of see and avoid capability of the UAS.

While see and avoid technology is maturing, the full solution will likely require a combination of technologies, such as Optics, Acoustic, Radar, and Beacon surveillance; and the integration of airborne and ground systems. It is the development of this multi-mode capability in support of UAS operation in the NAS that this program will address.

An appropriate test bed will include the ability to demonstrate safe operation in the following:

(1) Flight operations in and out of a FAA controlled airport

(2) The potential to demonstrate operations in all weather

(3) Training and Mission Support to Homeland Defense and Homeland Security Missions (Border Protections)

(4) Training operations with ground troops.

Syracuse, NY is a uniquely qualified environment to overcome the obstacles of FAA restrictions and become proficient in mixed airspace operations. The relatively light air traffic load at this FAA controlled airport also provides varying weather patterns, with close proximity to an international border, and the 19th Mountain Division at Ft. Drum.

The combined technologies proposed for this program are capable of providing effective and reliable situational awareness to facilitate unmanned systems operation in mixed airspace.

Requesting Member: Rep. JAMES T. WALSH.

Bill Number: FY 2009 Department of Defense Appropriations Bill.

Account: RDT&E—Air Force.

Legal Name of Representing Entity: ITT Space Systems Division, Rochester, NY.

Address of Requesting Entity: 1447 St. Paul Street, Rochester, NY 14653.

Description of Request:

(1) Include $1.6 million for Broad Area Multi-Intelligence Ubiquitous Surveillance Enterprise

Broad Area Multi-Intelligence Ubiquitous Surveillance Enterprise (BMUSE) is a web-based software solution for persistent collection of information over multiple disparate locations from existing platforms and sensors. The FY09 budget request in the Program Element contains approximately $5 million to develop advanced intelligence, surveillance and reconnaissance capabilities against focused, niche capabilities like information extraction and fusion. There is not sufficient funding to work the persistent surveillance problem and migrate promising research to operational capability in the field.

BMUSE addresses a technology capabilities gap by integrating images from different sensors into a common workstation whereby real-time data from multiple sensors can be used to target high value assets on the battlefield. BMUSE will provide virtual persistence for tactical forces, denying the enemy sanctuary, yielding actionable intelligence, and significantly improving mission success.

EARMARK DECLARATION

HON. BARBARA CUBIN

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mrs. CUBIN. Madam Speaker, in conformance with Republican Earmark Standards Guidance, I hereby submit the attached detailed finance plan for the C–130 Squadron Operations Facility at the Cheyenne Municipal Airport in Cheyenne, WY. This project is funded at $7,000,000 in H.R. 2638, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009, as reported by the House Rules Committee on September 23, 2008. I am pleased to support this project on behalf of the Wyoming National Guard as they seek to fulfill vital national defense and homeland security requirements in association with the active duty Air Force.

Requesting Member: Rep. BARBARA CUBIN (WY–At Large).

Bill Number: H.R. 2638.

Account: Military Construction; Air National Guard.

Legal Name of Requesting Entity: Wyoming National Guard.

Address of Requesting Entity: 5500 Bishop Boulevard/Cheyenne, WY 82009.

Description of Request: Provide an earmark for $7,000,000 to construct a squadron operations facility at the Cheyenne Municipal Airport in Cheyenne, WY. Specifically, $5,795,000 for basic construction of the approximately 26,200 square foot facility; $200,000 for utilities; $165,000 for roadway and parking pavements; $55,000 for site improvements; $75,000 for communications support; $315,000 in contingency funds for unforseen expenses; and $396,000 for supervision, inspection and overhead. This request is consistent with the intended and authorized purpose of the Air National Guard's Military Construction account. The Wyoming National Guard has identified a need for this new, consolidated facility to provide space for administration, training, intelligence, life support, survival equipment, command post, flight planning, aircrew briefing rooms, flight management, and storage. This facility is designed to sustain 24-hour/day operations supporting airborne firefighting, aeromedical evacuation, and homeland defense missions of 12–PAA C–130 aircraft associated with active duty Air Force personnel.

In conformance with Republican Earmark Standards Guidance, I hereby submit the attached detailed finance plan for the ADAL Missile Service Complex at F.E. Warren Air Force Base in Cheyenne, WY. This project is funded at $810,000 in H.R. 2638, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009, as reported by the House Rules Committee on September 23, 2008. I am pleased to support this project on behalf of F.E. Warren Air Force Base as the base continues its efforts to provide our nation with robust nuclear deterrence.

Requesting Member: Rep. BARBARA CUBIN (WY–At Large).

Bill Number: H.R. 2638.

Account: Military Construction; Air Force.

Legal Name of Requesting Entity: F.E. Warren Air Force Base–Address of Requesting Entity: F.E. Warren Air Force Base.

Description of Request: Provide an earmark of $9,043,000 for a modern and efficient facility in which to perform missile component repair, technical training, administrative functions, and security code issuance. This requirement will provide a Keys and Codes Control Center (KCCC) and an Operational Security Keys and Codes (OSC) center. It will also provide a Proof Load Test Pit (PLTP), an essential part of Minuteman III (MMIII), as well as a facility to test the structural integrity of the missile carriage and erection vehicle, something that occurs 10–20 times each month. The $810,000 earmark in this bill will support planning and design for this project.

In conformance with Republican Earmark Standards Guidance, I hereby submit the attached detailed finance plan for the Multicontinuum Technology for Space Structures project in Laramie, WY. This project is funded at $2,880,000 in H.R. 2638, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009, as reported by the House Rules Committee on September 23, 2008. I am pleased to support this project on behalf of Firehole Technologies, Inc. as they continue their efforts to provide our Armed Forces with a foundation for the efficient computer analysis of the composite structures that are growing in importance to our national security.

Requesting Member: REP. BARBARA CUBIN (WY–At Large).

Bill Number: H.R. 2638.

Account: Research, Development, Test and Evaluation, Air Force; Space Technology; Line 13.

Legal Name of Requesting Entity: Firehole Technologies, Inc.

Address of Requesting Entity: Wyoming Technology Business Center/Dept. 3011, 1000 E. University Avenue/Laramie, WY 82071

Description of Request: Provide an earmark of $3.6 million to develop a foundation for accurate and efficient computer analysis of composite structures in order to ensure their optimized application and, ultimately, mission success. The Air Force is actively designing and developing space structures where increased payloads, structural precision and deployable sub-structures are critical to mission success. Composites have emerged at the forefront of the material selection process for these applications based upon their unique strength-to-weight ratios, physical property tailoring, and shape memory capability.

Specifically, the budget for this project breaks down as follows: $1,626,713 for engineering labor; $585,000 for University of Wyoming subcontract expenses; $133,835 in consulting costs; $93,805 in travel expenses; $404,647 in General and Administrative expenses; and $756,000 for Air Force program management.

In conformance with Republican Earmark Standards Guidance, I hereby submit the attached detailed finance plan for the Eye-Safe Long Range Stand-Off System for Detection of Chemical and Biological Weapons project in Laramie, WY. This project is funded at $1,500,000 in H.R. 2638, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009, as reported by the House Rules Committee on September 23, 2008. I am pleased to support this project on behalf of DeltaNu as they continue their efforts to provide our Armed Forces with enhanced chemical/biological materials long-range detection capabilities.

Requesting Member: Rep. BARBARA CUBIN (WY–At Large).

Bill Number: H.R. 2638.

Account: Research, Development, Test and Evaluation, Defense-Wide; Chemical and Biological Defense Program—Advanced Development; Line 33.

Legal Name of Requesting Entity: DeltaNu.

Address of Requesting Entity: 628 Plaza Lane/Laramie, WY 82070.

Description of Request: Provide an earmark of $4.5 million for the development of long-range chemical/biological detection technology critical to new requirements for U.S. forces in the Middle East. Currently available detection systems are based on outdated technology that will never be able to provide soldiers sufficient early warning about incoming chemical/biological weapons.

This project received $1.12 million for FY08 to develop a hand-held detection device to function up to 25 meters and beyond, though this device is not eye-safe. This year's request will continue to enhance the range at which the device can be used effectively, as well as fund the development of an eye-safe version of this product. The chemical/biological detection system developed by this request will enhance several military capabilities, including: the ability to detect exposed personnel or vehicles before they enter a base; the detection

of weapons materials before they can threaten personnel; and the accurate identification of hazardous material such that the correct countermeasure can be applied.

Specifically, the budget for this project breaks down as follows: $1,000,000 for materials; $675,000 for labor; $809,528 for labor overhead; $85,006 for subcontractors, including $75,006 for the University of Wyoming; $30,000 for travel; $1,705,034 for General and Administrative expenses; $200,000 in facilities expenses; and $495,502 for profit.

In conformance with Republican Earmark Standards Guidance, I hereby submit the attached detailed finance plan for the Enhanced Landmine and IED Detection System project in Laramie, WY. This project is funded at $960,000 in H.R. 2638, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009, as reported by the House Rules Committee on September 23, 2008. I am pleased to support this project on behalf of ADA Technologies, Inc. as they continue their efforts to provide our Armed Forces enhanced landmine and Improvised Explosive Device detection capabilities.

Requesting Member: Rep. BARBARA CUBIN (WY–At Large).

Bill Number: H.R. 2638.

Account: Research, Development, Test and Evaluation, Army; Landmine Warfare and Barrier Advanced Technology; Line 48.

Legal Name of Requesting Entity: ADA Technologies, Inc.

Address of Requesting Entity: Wyoming Technology Business Center/Dept. 3011, 1000 E. University Avenue/Laramie, WY 82071

Description of Request: Provide an earmark of $3,400,000 for the development and testing of prototype integrating portable robots with landmine and Improvised Explosive Devices (IED) detection technology. The Enhanced Landmine and IED Detection System (eLIDs) will allow potential landmine and IED threats to be accurately and quickly classified. The application of this technology into robotic form will greatly enhance the war fighter's ability to concentrate on other missions while the machinery protects war fighters from the explosives threats posed by landmines and IED's.

Buried mine detection and IED detection has become an increasingly urgent requirement for our nation's war fighters in Afghanistan and Iraq. IED detection in the field includes route clearance, urban environment, check point clearance and vehicle borne IEDs. Historically, landmine and IED detection has been done with a single detector capability, such as a metal detector, and has not been effective since landmines and IED's are built from other materials. New and more accurate detection techniques need to be developed and integrated into operational detection systems.

Specifically, the project budget breaks down as follows: $2,260,000 for labor ($1,630,000 for each of fiscal years 2009 and 2010); $80,000 for materials ($40,000 for each of fiscal years 2009 and 2010); and $60,000 for travel expenses ($30,000 for each of fiscal years 2009 and 2010).

In conformance with Republican Earmark Standards Guidance, I hereby submit the attached detailed finance plan for the Enhanced Robotic Manipulators for Defense Applications project in Jackson, WY. This project is funded at $750,000 in H.R. 2638, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009, as reported by the House Rules Committee on September 23, 2008. I am pleased to support this project on behalf of Square One Systems Design as they continue their efforts to provide our Armed Forces with robotics technology with defense-related applications.

Requesting Member: Rep. BARBARA CUBIN (WY–At Large).

Bill Number: H.R. 2638.

Account: Research, Development, Test and Evaluation, Army; Army Technical Test Instrumentation and Targets; Line 135.

Legal Name of Requesting Entity: Square One Systems Design.

Address of Requesting Entity: P.O. Box 10520/Jackson, WY 83002.

Description of Request: Provide an earmark of $870,000 for the development of robotic manipulators, including the extension for use in Improvised Explosive Device disassembly capability, the integration of High Intensity Focused Ultrasound (HIFU) devices into the manipulator to allow for remote treatment of critically wounded soldiers and the development of grippers consistent with the robotic casualty evacuation.

Improvised explosive devices have emerged as the most lethal threat facing Coalition Forces in Iraq. A number of countermeasures have been developed to address this threat including the use of tele-operated explosive ordnance disposal robots. While these robots are capable of providing standoff detonation capability, they lack the dexterity needed to effectively perform high-level explosive handling tasks. The successful development of robot manipulators has the potential to improve the effectiveness of America's frontline combat forces while greatly reducing the exposure of our soldiers to hostile fire. As mentioned above, there remain other potential applications for robotic manipulators, including their integration into tele-operated trauma care robots.

Specifically, this project breaks down as follows: $280,000 for mechanical design; $86,000 for electrical design; $120,000 for controls; $56,000 for machine vision; $74,000 for prototype assembly and testing; $44,000 for project management; and $210,000 for parts and materials.

IN RECOGNITION OF MS. CARYN A. WAGNER

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. REYES. Madam Speaker, I rise today to recognize Ms. Caryn A. Wagner, who has ably and admirably served the House Permanent Select Committee on Intelligence as the Budget Director during the 110th Congress. Caryn will be retiring from federal service in October; and the Committee and our nation will be poorer for it.

When I took the helm of the Permanent Select Committee on Intelligence, I knew that I would need a Budget Director who could break down the complicated and technical workings of the Intelligence Community, communicate those incredibly complex missions, and translate the Committee's vision into a workable, integrated budget plan for the 16 various elements of the Intelligence Community. I immediately sought out Caryn Wagner, who had served on the Committee years before, and, at the time, was lending her talents to the newly-established Office of the Director of National Intelligence (ODNI) as the first Chief Financial Officer for the National Intelligence Program.

Not only did Caryn already understand the subtleties, intricacies, and challenges involved in coordinating organizations within the Intelligence Community, she had worked as an intelligence professional for over 28 years and brought with her a depth and breadth of experience that is rare.

From the time she graduated from the College of William and Mary and was commissioned as a 2nd Lieutenant in the U.S. Army, Caryn served in a variety of capacities across the various intelligence agencies. She first served her country as a Signals Intelligence and Electronics Warfare Officer in Texas, Arizona, and Germany, providing both tactical and strategic intelligence assessments to support military operations. After her military service, she continued to support the nation's military intelligence mission as an Army civilian employee responsible for performing operational oversight and developing the acquisition process for several extensive research and development efforts.

Following a brief stint in the private sector, Caryn brought her acquisition and tactical intelligence planning experience to the House of Representatives as a Professional Staff Member at the Permanent Select Committee on Intelligence. After three years in the legislative branch, Caryn returned to the executive branch, putting her skills to use for the Defense Intelligence Agency and the Central Intelligence Agency until she was tapped to be the first Chief Financial Officer for the National Intelligence Program at the ODNI in 2005.

It was then, in 2007, after some gentle cajoling, the Committee convinced Caryn to join on as the Budget Director. And she has exceeded every expectation: tackling the budget requests for all 16 elements of the Intelligence Community, patiently explaining complicated funding and acquisition systems to members of Congress, and willingly sharing her wealth of intelligence knowledge with her coworkers.

In developing a highly- refined technical expertise and an evolved understanding of the support mechanisms critical to intelligence missions, Caryn has played a significant role in safeguarding our nation. Like many intelligence professionals, she has served without expectation of commendation, accolade, or acknowledgement.

For that reason, it is my great pleasure to recognize Ms. Caryn A. Wagner. On behalf of the House Permanent Select Committee on Intelligence, I thank Ms. Caryn A. Wagner for her 30 years of devoted federal service. She has served the Committee and the House with great distinction, and I extend our very best wishes for her continued success as she moves on to the next phase of an exceptional life of service.

EARMARK DECLARATION

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. WHITFIELD of Kentucky. Madam Speaker, I submit the following:

Pursuant to the Republican leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of the Senate Amendment to H.R. 2638—the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009—in the Training Devices, Nonsystem account under the Department of Defense. Funds in this earmark will be used to provide enhancements to allow ARNG units training at those sites to conduct realistic, effective training similar in quality to that found at the CTCs by integrating new soldier, vehicle, weapon simulation, and battlefield effects instrumentation developed specifically for the battalion-level XCTC initiative. When fielded, this system will enable company-sized units training at those installations to reduce the time required for post-mobilization training and thereby assist in meeting the DoD policy limiting unit mobilizations to a period of 1 year. The entity to receive funding for this project is Army National Guard, located at the Wendell H. Ford Regional Training Center in Greenville, KY. The total cost is $800,000.

Pursuant to the Republican leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of the Senate Amendment to H.R. 2638—the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009—in the Predisaster Mitigation account under the Federal Emergency Management Agency. Funds in this earmark will be used to establish emergency operations and allow for the county to better prepare for natural disasters and other emergencies. The Crittenden County Fiscal Court will be receiving the funding for this project, and the project will be located on Industrial Drive in Marion, KY. The total cost of the funds—$750,000—will be used to establish the facility, and the land has been donated.

Pursuant to the Republican leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of the Senate Amendment to H.R. 2638—the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009—in the Procurement, Army account under the Department of Defense. Funds in this earmark will be used for a one-man portable expedient wall breaching kit capable of defeating 8″ triple brick masonry or double reinforced concrete structural walls in Military Operations Urban Terrain (MOUT) missions. Ensign-Bickford Aerospace & Defense Company, located at P.O. Box 219, State Route 175, Graham, KY 42344, will be receiving these funds. The total cost is $3,200,000.

Pursuant to the Republican leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of the Senate Amendment to H.R. 2638—the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009—in the Army Medical Technology account under the Department of Defense. Funds in this earmark will be used to evaluate improvements to indoor air quality (IAQ) obtained through the use of antifungal copper and copper alloys in military HVAC systems. IAQ is vital for the protection of United States Armed Forces, particularly those serving in enclosed weapons systems such as tanks and submarines, transport equipment, and buildings in both domestic and deployed locations. The entity to receive funding for this project is Luvata Franklin, located at 4720 Bowling Green Road, Franklin, KY 42134. The total cost is $2,000,000.

Pursuant to the Republican leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of the Senate Amendment to H.R. 2638—the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009—in the Army account under Military Construction. Funds in this earmark will be used to construct a 200-capacity center for children ages 6–10 providing before and after school care during the duty day, summer, school-out days, and holidays. This facility supports readiness by reducing lost duty time due to conflict between parent responsibilities and unit mission requirements. The entity to receive funding for this project is Ft. Campbell, KY. The total cost is $10,000,000.

Pursuant to the Republican leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of the Senate Amendment to H.R. 2638—the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009—in the Army account under Military Construction. Funds in this earmark will be used to construct a 1,200-seat chapel/family life center which includes a worship center, activity/fellowship center, chaplain family life and pastoral care center, resource center, multimedia center, religious education classrooms, kitchen, storage areas, restrooms, and circulation area. The entity to receive funding for this project is Ft. Campbell, KY. The total cost is $630,000.

EARMARK DECLARATION

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. KINGSTON. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information:

Requesting Member: Congressman JACK KINGSTON (GA–1).

Bill Number: FY09 Department of Defense Appropriations Bill.

Account: RDT&E, Army.

Legal Name of Requesting Entity: Scientific Research Corporation.

Address of Requesting Entity: 2300 Windy Ridge Parkway, Suite 400 South, Atlanta, GA 30339.

Description of Request: Provide an earmark of $4,700,000 to complete the instrumentation of live threat systems and simulators and to develop and integrate virtual threat systems and simulators into a live training environment. Approximately $1,200,000 [or 26%] for integration of command and control systems with threat simulators, $1,600,000 [or 34%] for upgrade of actual threat simulators, $800,000 [or 17%] for integration of aircraft radar homing and warning, and $1,100,000 [or 23%] for simulation of counter-IED training capabilities to benefit our aircrews, training environments must realistically replicate the threat environment in which they are training to fight. The existing Tactical Aircrew Training System (TACTS) that is integrated into the Townsend Range located outside of Savannah, GA, has repeatedly demonstrated the importance of having well instrumented systems in a training environment. This request is consistent with the intended and authorized purpose of the Army Research and Development account. Spending levels may be adjusted accordingly for the level of funding agreed to in conference.

Requesting Member: Congressman JACK KINGSTON (GA–1).

Bill Number: FY09 Department of Defense Appropriations Bill.

Account: OM, Army.

Legal Name of Requesting Entity: MPRI.

Address of Requesting Entity: 2961 West California Ave, Salt Lake City, UT 84104.

Description of Request: Provide an earmark of $4,000,000 to deliver approximately 45 weeks of Driver's Training Services to U.S. Army Soldiers stationed at Fort Stewart, GA and Hunter Army Airfield, Savannah, GA. The program's training scenarios and associated curriculum provide 4 hours of intensive vehicle operator's training to each Soldier. The training program will utilize 3–4 vehicle simulators at each location, employ 4–6 instructors and focus on vehicle handling, roll-over avoidance and decisionmaking. Approximately $35,000 is for shipping and setup and $3,965,000 is for the execution of the training. The program will provide Driver's Training to approximately 8,000 Soldiers.

Requesting Member: Congressman JACK KINGSTON (GA–1).

Bill Number: FY09 Department of Defense Appropriations Bill.

Account: RDT&E, Air Force.

Legal Name of Requesting Entity: Intergraph Corp.

Address of Requesting Entity: Intergraph Corporation, Huntsville, AL.

Description of Request: Provide an earmark of $4.2 M for the Strategic Airlift Transformation for Aircraft Availability Improvement team to implement current logistics processes that directly support eLOG21 goals of reducing total ownership cost and optimizing aircraft availability, reliability, and maintainability. Approximately $2.2M will be used to migrate C5–MSG3 principles and practices across additional weapon systems. The current C5 MSG3 implementation will result in a $1.3B net present value savings until FY40 due to maintenance interval extensions and seven additional Aircraft available, per day, to the warfighter. Approximately $1.0M will be used for Logistics Initiatives reducing weapon systems TOC (Total Ownership Cost) and improve Aircraft Availability. Support will include implementing web enabled supply chain tools, and providing supply chain and logistics analysis in support of transitioning workload and

ECSS transformation initiatives. Approximately $1.0M will be used for Data Management Initiatives to streamline complex logistics challenges and to bridge the IT gaps as ECSS is implemented across the AF. Spending levels may be adjusted accordingly for the level of funding agreed to in conference.

Bill Number: FY09 Department of Defense Appropriations Bill.

Account: O&M, Army.

Legal Name of Requesting Entity: Tremco.

Address of Requesting Entity: 3735 Green Road, Beachwood, OH 44122.

Description of Request: Provide an earmark of $2.7M to repair roofs in Company Operations buildings in 3 blocks on Fort Stewart, Georgia. These critical operations facilities are of 1970's vintage and have flat, built-up roofs that are deteriorated and outdated. This type of roof is not suitable for the harsh southeast Georgia climate (heat and moisture) and is not weather-tight. As a result, these buildings require more energy, particularly in the summer, and the interiors are susceptible to water damage (leaks cause mold/mildew problems). These roofs are in dire need of replacement with more durable pitched metal roofs to ensure building integrity, enhance soldier quality of life and morale and decrease exorbitant energy costs. Approximately $750,000 will be used for labor, equipment and material for roof removal; and approximately $1.95M will be used for materials, labor and equipment to replace the current roofs. Spending levels may be adjusted accordingly for the level of funding agreed to in conference.

Bill Number: FY09 Department of Defense Appropriations Bill.

Account: RDT&E, Defense-Wide.

Legal Name of Requesting Entity: Georgia ANG CRTC.

Address of Requesting Entity: 1401 Robert B Miller Jr. Dr, Garden City, Ga 31418–7299.

Description of Request: Provide an earmark of $4M for the Range Element Network Enterprise Technology (RE–NET) project at the Savannah Combat Readiness Training Center and Townsend Range with additional multi-mission critical data link (Link 16/SADL–XY) capability integrated with the Test/Training Enabling Architecture (TENA) network. The TENA interface will be developed and transferable across all the Major Range & Test Facility Base (MRTFB), and will enable sharing of the tactical data link data by geographically separate Ranges. The RE–NET project will be executed at the Savannah Air National Guard Combat Readiness Training Center (CRTC) and Townsend Range, and the program will expand the CRTC' s training capabilities to include additional support for the test and evaluation of net-centric operational employment of current and future weapons systems. Approximately $2.5M is for the integration of additional Link 16 Remote Elements at multiple test/training organizations throughout the Southeast United States, $1.0M is for a net-enabled weapons data link information that will be developed into a TENA format allowing movement of tactical data link messages, and $500K for TENA enabled remote control of threat targets and simulated threat emitters. This plan will be adjusted accordingly to the final funding level provided for in the agreement.

Bill Number: FY09 Department of Defense Appropriations Bill.

Account: O&M, Army NG.

Legal Name of Requesting Entity: TerreStar Networks.

Address of Requesting Entity: 12010 Sunset Hills Road, 9th Floor, Reston, Virginia 20190.

Description of Request: Provide an earmark of $2M to equip the Georgia National Guard with a command and control system that integrates cellular and satellite communications within the same device, providing them the ability to rapidly respond to crises, such as a mass evacuation event. This system will provide commanders with satellite and data services in the event that terrestrial infrastructure is damaged, unavailable or non-existent, and will ensure redundant voice and data communication with the Georgia National Guard Emergency Operations Center, civilian agencies, and connectivity to the public switched telephone network. The employment of National Guard assets is a critical component for Homeland Defense Civil Support missions, but interoperability between civil and military first responders and civilian emergency planning authorities using commercial networks is still in the preliminary stage. This project will enhance interoperability between responders, making coordinated response activities significantly more effective. Such capabilities will be especially important in any Guard mission calling for the evacuation of coastal Georgia, but could also be deployed across the state in any other mission which the Georgia Guard is supporting civil authorities. Funding provided in this legislation would allow the Georgia National Guard to procure: (1) Satellite service and terminal devices ($1.1 million); and (2) Engineering and deployment planning services ($.5 million). Spending levels may be adjusted accordingly for the level of funding agreed to in conference.

Bill Number: FY09 Department of Defense Appropriations Bill.

Account: OP, Air Force.

Legal Name of Requesting Entity: Engineering & Software Systems Solutions, Inc. (ES3).

Address of Requesting Entity: 16 Green Street, Suite C, Warner Robins, Georgia 31093.

Description of Request: Provide an earmark of $2M for the Information Modernization for Processing with Advanced Coating Technologies (IMPACT) Program to complete development of high velocity oxygenated fuel repair techniques for the C–5 aircraft slat and flap tracks, which are currently non-repairable and are unavailable for purchase. USAF is projecting they will potentially ground C–5 aircraft due to a shortage of slat track sets beginning in 2009, which could negatively affect the war effort. The IMPACT Program will mitigate this risk. Approximately $1.25M is for engineering services, $375,000 is for manufacture and testing, $200,000 is for purchase of raw materials, $140,000 is for purchase of equipment, and $35,000 is for training and certification. ES3 will contribute on-site personnel, engineering services, and other items to support this effort.

Spending levels may be adjusted accordingly for the level of funding agreed to in conference.

Bill Number: FY09 Department of Defense Appropriations Bill.

Account: OP, Army.

Legal Name of Requesting Entity: Meggitt Training Systems.

Address of Requesting Entity: 296 Brogdon Road, Suwanee, Georgia 30024.

Description of Request: Provide an earmark of $5M to the Army National Guard to continue to upgrade its fielded Combined Arms Marksmanship Trainers (CATS) to the U.S. Army Validated FATS 5. Approximately $1M (or 20%) of the funds will be used to replace and upgrade the computer simulation hardware and software needed to allow the Guard to train to the U.S. Army standard. The remaining $4M will be used to purchase new weapon simulators to support the ever-increasing pre-deployment and sustainment training requirement. Spending levels may be adjusted accordingly for the level of funding agreed to in conference.

Bill Number: FY09 Department of Defense Appropriations Bill.

Account: O&M, Army NG.

Legal Name of Requesting Entity: Georgia ANG CRTC.

Address of Requesting Entity: 1401 Robert B Miller Jr. Dr, Garden City, Ga 31418–7299.

Description of Request: Provide an earmark of $500,000 to support Atlantic Thunder Joint Training Events. Approximately $160,000 will be used for JICO (Joint Interface Communications Officer) support providing Link–16 network management for all Atlantic Thunder Joint Training Events and unit level Link–16 ''spin-up'' training preceding real world deployments throughout the year. Approximately $340,000 will be used for EW (Electronic Warfare) support services for Atlantic Thunder Joint Training Events and to support miscellaneous pre-deployment ''spin-up'' training and other test and training activities throughout the year. This EW support includes providing an opposition force operating real SAM (Surface to Air Missile) systems against units in training.

This plan will be adjusted accordingly to the final funding level provided for in the agreement.

Bill Number: FY09 Department of Defense Appropriations Bill.

Account: RDT&E, Air Force.

Legal Name of Requesting Entity: Mercer Engineering Research Center.

Address of Requesting Entity: 135 Osigian Blvd, Warner Robins, GA 31088.

Description of Request: Provide an earmark of $4,000,000 to continue development of a comprehensive Condition Based Maintenance Plus (CBM+) program for the U.S. Air Force C–130 fleet in concert with the Air Force High Velocity Maintenance Program. Approximately, $2,000,000 [or 50%] is for development of condition-based maintenance scheduling programs for both field-level and depot maintenance; $800,000 [or 20%] for developing recommendations for employment of appropriate sensor technologies; and $1,200,000 [or 30%] for comprehensive, Reliability Centered Maintenance-based analyses of the C–130 structures and systems. The Department of Defense and the US Air Force have directed implementation of CBM+ strategies to improve maintenance agility and responsiveness, increase operational availability, and reduce life-cycle total ownership costs. Completion and implementation of a comprehensive CBM+ program for the C–130 will achieve the goals of the DoD and Air Force by providing tailored maintenance actions based on actual aircraft condition information, with actions timed to match the needs of individual airframes, and forecasts of required maintenance and replacement parts as well as optimum timing of

inspection and maintenance actions reducing unscheduled maintenance and overall operating costs. This plan will be adjusted accordingly to the final funding level provided for in the agreement.

HONORING VERA B. RISON

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. KILDEE. Madam Speaker, on February 27, 2003 at the occasion of Vera Rison's retirement I asked the House of Representatives to join me in congratulating her with the following:

. . . Vera Rison is one of my dearest friends. I treasure her wisdom, her common sense, and her ability to go to the heart of a dilemma and seek a solution. The many years she spent working at Genesee Memorial Hospital gave Vera insight into the problems faced by average families. She has never stopped working to ease the burdens faced by so many. Through the positions she held as chair of the Service Employees International Union Local 79, director of human resources at Amy Jo Manor Housing Complex, the Genesee County Community Mental Health Board, the Substance Abuse Services Board and the Jobs Central Workforce Development Board, Vera has always maintained her vision and commitment to a better future for everyone.

Through her work as a Genesee County Commissioner and a State Representative, Vera was able to see some of her ideas become concrete, working plans. She sponsored a bill to reduce the number of abandoned houses. She also was the driving force behind the renovation of the Amy Jo Manor Housing Complex. In addition, Vera worked tirelessly for individuals in trouble. She frequently advocated on behalf of persons sentenced to prison. She arranged for basic services to be provided for the handicapped and devoted many hours to ensuring the uninsured received health care.

The Genesee District Library paid Vera an awesome compliment when they named the Beecher branch of their library the ''Vera B. Rison Library.'' It is a tremendous tribute that the library, where all persons of every age can come and improve their minds and lives through knowledge, is named for the woman who spent a lifetime witnessing the potential in all persons and pushed them to achieve their personal best.

Madam Speaker, I ask the House of Representatives to join me in honoring a dear friend, Vera Rison. She is an inspiration to me and I wish her the best as she starts the next phase of her life.

These words are as true today as they were 5 years ago. Vera Rison has stood at the forefront in the fight for justice in our community. As a County Commissioner and as a State Representative she has worked for the welfare of the community as a whole and as individuals within that community. In her empathy for children, the homeless, workers, and the disenfranchised, Vera has given her time, energy and love to help each person achieve their life goals. The list of persons and organizations benefiting from Vera's help is extensive.

Madam Speaker, Vera Rison is one of the true giants of the Flint community. On October 3, Canaan Baptist Church will honor this remarkable woman at a reception in her honor. As a member of Canaan Baptist Church, Vera lives her faith daily with enthusiasm, joy, and pride. I am grateful for her friendship and her leadership and I pray that she will continue her work for many years to come.

EARMARK DECLARATION

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. DREIER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 2638, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009:

Requesting Member: Congressman DAVID DREIER.

Bill Number: H.R. 2638, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: Army, Research, Development, Test and Evaluation (RDT&E) Account.

Legal Name of Requesting Entity: Chang Industry.

Address of Requesting Entity: 968 West Palomares Avenue, La Verne, California 91750.

Description of Request: Provide an earmark of $3,200,000 to develop Fire Shield, an Active Protection System (APS) with the guidance of the U.S. Army Tank Automotive Research, Development and Engineering Center in Warren, Michigan. Fire Shield would be used to protect armored vehicles from the blast effects and the plasma jet of rocket propelled grenades (RPG) by detecting and destroying incoming projectiles. Approximately $112,000 is for identifying and refining the operational requirement; $2,120,000 is for system development; $320,000 is for materials and equipment; $648,000 is for testing and evaluation. This request is consistent with the intended and authorized purpose of the Army RDT&E account.

Requesting Member: Congressman DAVID DREIER.

Bill Number: H.R. 2638, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: Army, Research, Development, Test and Evaluation (RDT&E) Account.

Legal Name of Requesting Entity: Tanner Research.

Address of Requesting Entity: 825 South Myrtle Avenue, Monrovia, California 91016.

Description of Request: Provide an earmark of $1,600,000 to complete development of a Dual-Mode Micro Seeker (radio frequency/electro-optical (RF/EO)) being developed with the U.S. Army Armament Research, Development and Engineering Center at Picatinny Arsenal, New Jersey. This funding seeks to improve the accuracy of gun-launched and small missile interceptors used on current and emerging defensive weapons systems. Approximately 12 percent ($192,000) will be used for RF signal processing development; 34 percent ($544,000) for monolithic microwave integrated circuits and complementary metal-oxide-semiconductor integrated circuit development; 24 percent ($384,000) for EO avalanche photodiode (APD) circuit development; 18 percent ($288,000) for RF seeker integration; and 12 percent ($192,000) for EO seeker integration. The Dual-Mode (RF/EO) Micro Seeker will provide ground-based defensive systems with low-cost gun-launched and small missile interceptors with the accuracy needed to counter incoming rocket, artillery and mortar threats. This request is consistent with the intended and authorized purpose of the Army RDT&E account.

Requesting Member: Congressman DAVID DREIER.

Bill Number: H.R. 2638, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: Air Force, Research, Development, Test and Evaluation (RDT&E) Account.

Legal Name of Requesting Entity: Advanced Projects Research, Incorporated.

Address of Requesting Entity: 1925 McKinley Avenue, Suite B, La Verne, California 91750.

Description of Request: Provide an earmark of $800,000 to continue testing and development of the Wavelength Agile Spectral Harmonic (WASH) Oxygen Sensor with the guidance of the U.S. Air Force Research Laboratory in Wright-Patterson Air Force Base, Ohio. The WASH Oxygen Sensor intends to measure oxygen concentration in military high-performance fuel tanks. This Cell Level Battery Controller monitors and controls charge and temperature at the cell level of military battery energy storage systems. Approximately $76,800 will be used for project management; $117,400 for engineering analysis; $220,000 for engineering design; $146,800 for hardware fabrication and assembly; $176,000 for test engineering; $9,500 for material and hardware; and $53,500 for subcontracts. This request is consistent with the intended and authorized purpose of the Air Force RDT&E account.

Requesting Member: Congressman DAVID DREIER.

Bill Number: H.R. 2638, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: Air National Guard, Operation and Maintenance account.

Legal Name of Requesting Entity: Gentex Corporation.

Address of Requesting Entity: 11525 Sixth Street, Rancho Cucamonga, California 91730.

Description of Request: Provide an earmark of $800,000 to supply Air National Guard aircrews with approximately 888 MBU–20A/P Oxygen Masks with Mask Lights. The oxygen mask's unit price is approximately $900 per unit. The MBU–20A/P was approved for fleetwide implementation in an effort to standardize to a common enhanced oxygen mask. Approximately, 34 percent ($272,000) of the funding is for manufacturing labor; 4 percent ($32,000) is for sustainment and systems engineering support; 6 percent ($48,000) is for inspections and tests; 20 percent ($160,000) is for general and administrative; 35 percent ($280,000) is for material; 1 percent ($8,000) is for packaging handling shipping and transportation. This request is consistent with the intended and authorized purpose of the Air National Guard, Operation and Maintenance account.

Requesting Member: Congressman DAVID DREIER.

Bill Number: H.R. 2638, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: Air National Guard, Operation and Maintenance account.

Legal Name of Requesting Entity: City of Hope.

Address of Requesting Entity: 1500 East Duarte Road, Duarte, California.

Description of Request: Provide an earmark of $2,000,000 for the Advanced Molecular Medicine Initiative (AMMI), which is being developed under the guidance of the Naval Medical Research Center in Silver Spring, Maryland. This funding will be used for AMMI, an innovative molecular-targeted therapy that allows for a more effective and less toxic treatment of cancer at the molecular level by targeting drugs specifically to the affected cells, rather than the conventional entire body approach. Approximately 25 percent ($500,000) is for research; 18.75 percent ($375,000) is for genotyping; 12.5 percent ($250,000) is for microarrays; 18.75 percent ($375,000) is for proteomics; 12.5 percent ($250,000) is for X-ray crystallography and 12.5 percent ($250,000) is for computing. This request is consistent with the intended and authorized purpose of the Navy, Research, Development, Test and Evaluation account.

TRIBUTE TO UNITED STATES NAVY LIEUTENANT DAN CODER

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. LATHAM. Madam Speaker, I rise to recognize the retirement of United States Navy Lieutenant Dan Coder, and to express my appreciation for his dedication and commitment to his country.

For the past 24 years, Lt. Coder has served faithfully and honorably. He enlisted in the U.S. Navy after graduating from Ogden High School in 1981. He was stationed onboard the USS KITTY HAWK from 1981 to 1985. He worked in the Deck Department, Operations Department and was promoted to Yeoman 2nd Class Petty Officer. In 1985 he returned to school and left the Navy. In 1987, while serving in the Iowa National Guard, Lt. Coder decided to return to the Navy and make a career out of it. During the same year, he also married his wife, Lisa, and the couple welcomed their first of four children.

During his career, Lt. Coder was promoted numerous times, from Yeoman First Class Petty Officer to Chief Petty Officer, Limited Duty Officer, Lieutenant Junior Grade and Lieutenant. He also earned the Meritorious Service Medal, Navy and Marine Corps Commendation and Achievement Medals, Armed Forces Expeditionary Medal (with Bronze Star), and Global War on Terror Expeditionary and Service Medals.

I commend Lt. Dan Coder for his many years of loyalty and service to our great nation and the State of Iowa. It is an immense honor to represent Lt. Coder in the United States Congress, and I wish him, his wife Lisa, and their four children many more happy and healthy years together.

HONORING JEFFREY ROBERT COOK

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Jeffrey Robert Cook of Missouri. Jeffrey is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 180, and earning the most prestigious award of Eagle Scout.

Jeffrey has been very active with his troop, participating in many scout activities. Over the many years Jeffrey has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Jeffrey Robert Cook for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

A TRIBUTE HONORING MIDDLEWEIGHT BOXER SHAWN ESTRADA FROM EAST LOS ANGELES AS HE COMPETES AT THE SUMMER OLYMPICS IN BEIJING

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Ms. ROYBAL-ALLARD. Madam Speaker, I rise today to recognize and commend an extraordinary athlete from East Los Angeles in the 34th District who is currently in Beijing, China as a member of the United States Olympic Boxing Team competing in the Games of the XXIXth Olympiad.

Weighing in at 165 pounds, Shawn Estrada is a middleweight boxer who became the ninth member of the U.S. Olympic boxing team after winning at the Americas Qualifier in Guatemala City, Guatemala in April.

The 23-year-old trains at the Eddie Heredia Boxing Club in East Los Angeles under the skilled direction of three dedicated coaches, his father, Juan, and Rodrigo Mosquera and Hector Aguilar.

Shawn says his fascination with boxing started when he was a young boy. This is not a surprise considering Shawn is carrying on a proud and distinguished family legacy. His father was a member of Mexico's Olympic team and his uncle, Adan Estrada, was a pro boxer. While his father refused to take Shawn to the gym with him when he was young, Shawn said that changed one day when he and his brother snuck into his dad's car one day and rode along with him anyway. He's been boxing ever since.

Shawn says his goal to "bring home the gold" is motivated as much by his daughter, Alyssa, as it is for his country and hometown. He told USA Boxing—the national governing body of amateur, Olympic-style boxing—that in addition to being a boxing "champion," he also strives to "be a good role model" for his daughter.

In this regard, Shawn's tremendous drive to achieve and serve as a role model extends well beyond the boxing ring. He is furthering his education at East Los Angeles College and looks forward to one day helping to save lives as a firefighter.

Madam Speaker, on behalf of the 34th Congressional District and the State of California, I ask my colleagues to please join me in congratulating Shawn on his remarkable achievements and extending to him and his teammates our best wishes for a victorious trip to the Beijing Olympics. I can assure you, regardless of how he performs, Shawn will always be a role model and a champion to his many devoted fans in East Los Angeles. He is among our hometown heroes, and we are very proud of him—in and out of the boxing ring.

EARMARK DECLARATION

HON. JIM McCRERY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. MCCRERY. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2638, The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009:

Requesting Member: Congressman JIM MCCRERY (LA–04).

Bill Number: H.R. 2638, Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: Research, Development, Test and Evaluation, Air Force.

Legal Name of Requesting Entity: Louisiana Tech University.

Address of Requesting Entity: P.O. Box 10348, Ruston, LA 71272.

Description of Request: Cyber Security Laboratory—This $3 million appropriation provides funding for equipping a new Cyber Security Laboratory to support research and educational efforts in cyber security at the Center for Secure Cyberspace (CSC), a collaboration between Louisiana Tech University and Louisiana State University. Research will focus on the early prediction, detection, and control of anomalous behavior in cyberspace. The CSC has built strategic collaborative relationships between national and international academic and industrial partners, and with the Air Force's Cyberspace Command at Barksdale Air Force Base. Funding for the Cyber Security Laboratory will be appropriately allocated to specialized laboratory equipment, lab modifications, and staff support.

Requesting Member: Congressman JIM MCCRERY (LA–04).

Bill Number: H.R. 2638, Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: Research, Development, Test and Evaluation, Air Force.

Description of Request: Remote Suspect Identification—$3.2 million.

Requesting Member: Congressman JIM MCCRERY (LA–04).

Bill Number: H.R. 2638, Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: Research, Development, Test and Evaluation, Navy.

Legal Name of Requesting Entity: Louisiana Center for Manufacturing Sciences.

Address of Requesting Entity: P.O. Box 38050, Shreveport, LA 71133.

Description of Request: Integrated Manufacturing Enterprise—This $2.4 million appropriation provides funding for a program designed to improve the Navy's ship building program through the implementation of state-of-the-art best practices. The executing entity for this program is the Louisiana Center for Manufacturing Sciences, a not-for-profit consortium composed of both large and small high-tech companies. These best practices are proven through prior implementation at member companies, leveraging a large amount of prior investment. Funding for the Integrated Manufacturing Enterprise will be used primarily for engineering and program management labor.

Requesting Member: Congressman JIM MCCRERY (LA–04).

Bill Number: H.R. 2638, Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: Research, Development, Test and Evaluation, Navy.

Legal Name of Requesting Entity: Technical Consultants, Inc. (TCI).

Address of Requesting Entity: Hwy. 80 East, Doyline, LA 71023.

Description of Request: Remote Continuous Energetic Material Manufacturing for Pyrotechnic IR Decoys—This $1.6 million appropriation will enable Technical Consultants, Inc. (TCI) to bring its facility at Camp Minden up to new Louisiana requirements imposed by the Louisiana State Fire Marshal Office after the Army transferred the Louisiana Army Ammunition Plant to the State of Louisiana. This appropriation will allow TCI to bring the facility up to acceptable levels for the processing and manufacture of a variety of government-required energetic materials. The funds appropriated for this project will be divided among the following areas: environmental equipment, fire suppression equipment, magazine/warehousing, support areas, and engineering.

Requesting Member: Congressman JIM MCCRERY (LA–04).

Bill Number: H.R. 2638, Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: Air Force.

Legal Name of Requesting Entity: Barksdale Air Force Base.

Address of Requesting Entity: Barksdale Air Force Base, LA 71110.

Description of Request: Security Forces Complex—This $14.6 million appropriation provides funding for the construction of a Security Forces Squadron Complex at Barksdale Air Force Base. Security forces command and operations functions are currently housed in a 1930's vintage hangar on the aircraft parking ramp. This facility is inadequate in functional layout to accommodate existing requirements. Further delays in construction of a new facility would prevent compliance with the base's established land use policies.

HONORING ROBERT ''BUD'' CRAMER FOR HIS SERVICE TO OUR COUNTRY

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. TANNER. Madam Speaker, I am proud to join our colleagues today in paying tribute to my friend, Congressman BUD CRAMER, who, as you know, will retire later this year after representing Alabama in this body for 18 years. During that time, he has been an important leader in Congress and an excellent public servant for the American people.

Several years ago, BUD and I, along with a handful of our Democratic colleagues, formed a small group to fill what we saw as a void within the body at that time—a solution-oriented coalition of moderate members who could help forge a bipartisan bridge between our colleagues on either side of the partisan aisle. That group was named the Blue Dog Coalition, to which we both still belong. I appreciate BUD's leadership in working on bipartisan solutions to the challenges facing our country.

A military veteran, grandfather and children's advocate, BUD has dedicated much of his life to serving his country and helping others. Madam Speaker, BUD CRAMER's dedication and commitment have served our country well, and his presence in this chamber will be missed.

TRIBUTE TO DOROTHY WHITEHEAD

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize Dorothy Whitehead of Indianola, Iowa, for her induction as the first swimmer into the Iowa Senior Olympics Hall of Fame.

Dorothy is a 73-year-old swimmer who swims four times a week at Simpson College in Indianola. She holds ten records in varying age groups for the 50, 100 and 200 yard backstroke. She regularly competes at the Senior Olympics, the Iowa Games and competed at the United States Masters Nationals this year. While in high school, Dorothy was involved in a serious car accident that ended her swimming career until she picked it back up again at the age of 45. Harold McCollum nominated Dorothy for the induction into the hall of fame. He was a close friend of her late husband, Ralph.

Dorothy has truly shown that you are never too old to pursue your passions, stay active, and be a successful competitor. I consider it an honor to represent Dorothy Whitehead in the United States Congress, and I wish her the best in her future years of swimming.

HONORING TREVOR SCOTT BOSAK

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Trevor Scott Bosak of Missouri. Trevor is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 180, and earning the most prestigious award of Eagle Scout.

Trevor has been very active with his troop, participating in many scout activities. Over the many years Trevor has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Trevor Scott Bosak for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

EARMARK DECLARATION

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. BACHUS. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding funding that I requested as part of H.R. 2638, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009:

Bill Number: H.R. 2638, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009

Account: Federal Emergency Management Agency (FEMA) Pre-Disaster Mitigation Account:

Legal Name of Requesting Entity: City of Brent

Address of Requesting Entity: P.O. Box 220, Brent, AL 35034

Description of Request: Provide $750,000 to construct a community storm shelter that will provide the public safe haven during tornados. Funding will be used for the planning and construction of the shelter and any necessary lot improvements for access to the shelter. Specifically, $102,000 is for sitework, $577,000 is for construction, $54,000 for professional fees, and the remaining $17,000 is for testing, surveying, and printing charges. This request is consistent with the intended and authorized purpose of the FEMA, Pre-Disaster Mitigation account. The City of Brent will meet or exceed all statutory requirements for matching funds where applicable.

Bill Number: H.R. 2638, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009

Account: Department of the Army, Research, Development, Test and Evaluation, Missile Technology Account

Legal Name of Requesting Entity: The University of Alabama at Birmingham

Address of Requesting Entity: 1530 3rd Avenue South, AB 720E 0111, Birmingham, AL 35294–0111

Description of Request: Provide $800,000 for the continued development of the Materials Application Research Center (MARC) at the University of Alabama at Birmingham. The U.S. military constantly faces the competing challenges of ever-changing threats, needs to control costs, needs for lighter weight, more durable, improved performance equipment, and needs to increase the protection of our troops. Technology solutions to these challenges are often slow in development and implementation. The Materials Applications Research Center (MARC) will provide the large scale laboratory facilities and operational environment to help assure timely development and transition of new materials and manufacturing technologies to our military. The results will provide military systems solutions for significantly improved performance, increased durability, and lower cost for both acquisition and life cycle. This funding will go towards the project's total budget of $1.5 million. Specifically within the budget, $755,938 is for personnel salaries and benefits, $85,000 is for permanent equipment, $17,820 is for travel, $222,277 is for other direct material and service costs, and $418,965 is for other indirect costs. This request is consistent with the intended and authorized purpose of the Department of the Army, Research, Development, Test and Evaluation, Missile Technology Account. The University of Alabama at Birmingham will meet or exceed all statutory requirements for matching funds where applicable.

Bill Number: H.R. 2638, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009

Account: Department of the Army, Research, Development, Test and Evaluation, Combat Vehicle and Automotive Advanced Technology Account

Legal Name of Requesting Entity: Auburn University

Address of Requesting Entity: 202 Samford Hall, Auburn, AL 36849

Description of Request: Provide $2.8 million to the U.S. Army Tank Automotive Research Development and Engineering Center/National Automotive Center (TARDEC/NAC) to complete research and development of a hydrocarbon catalytic reforming and cleaning system/methodology capable of taking high sulfur containing logistic fuels such as JP–8 and converting them on demand into high purity hydrogen for use in fuel cell powered APU's (auxiliary power units) and ground-based military vehicles. The technical focus of this program is the development and demonstration of logistical fuel processor-fuel cell combinations that operate at significantly higher efficiencies than current internal combustion engines used by the Army. System attributes to be optimized include: overall efficiency, fuel flexibility, activity maintenance and poison tolerance of the various catalysts, startup/shutdown timescales, process robustness, reliability/ruggedness, safety, thermal/acoustic signature and integration, and reductions in overall weight and volume. Additional efforts will be conducted to design and adapt fuel processor/fuel cell systems to appropriate electrical loads with respect to voltage, current, AC/DC operation, peak power requirements versus average power and overall autonomy time. This funding will go towards the total project budget of $6.7 million, which includes approximately $1.206 million that will be retained by OSD and TARDEC/NAC for administrative and technical support functions and the remaining $5.494 million will be used by Auburn University to complete R & D activities. All subcontracts from Auburn University will be approved by the DOD technical program manager and the respective contracting officers at the DOD and Auburn University. This request is in direct support of the U.S. Army Tank Automotive Research Development and Engineering Center's program on Fuel Cell Development for Military Vehicles as conducted by their National Automotive Center. This request is consistent with the intended and authorized purpose of the Department of the Army, Research, Development, Test and Evaluation, Combat Vehicle and Automotive Advanced Technology Account. Auburn University will meet or exceed all statutory requirements for matching funds where applicable.

EARMARK DECLARATION

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. SAXTON. Madam Speaker, pursuant to the Republican leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of FY 2009 Defense Appropriations Bill.

Project: Ballistic Missile Defense—Aegis

Funding Amount: $20,000,000

Account: Research, Development, and Testing and Evaluation Ballistic Missile Defense Aegis

Legal Name of Requesting Entity: Lockheed Martin

Address of Requesting Entity: 199 Borton Landing Rd, Moorestown, NJ 08057

Description of Request: Ballistic Missile Defense Aegis system provides resources to close the capability gap between current Sea Based BMD capabilities and the emergent BMD threats.

Project: Vehicle Common Armor Manufacturing Process (VCAMP)

Funding Amount: $2,500,000

Account: Army Research, Development, and Testing and Evaluation End Item Industrial Preparedness Activities

Legal Name of Requesting Entity: SMH International, LLC

Address of Requesting Entity: 100 Technology Way, Suite 210, Mount Laurel, NJ 08054

Description of Request: Vehicle Common Armor Manufacturing Process develops a common armor manufacturing process for force protection aimed at enhancing soldier survivability by reducing vehicle weight and speeding production.

Project: Battlefield Anti-Intrusion System (BAIS) Funding Amount; $3,000,000

Account: Army Procurement Physical Security

Legal Name of Requesting Entity: L–3 Communications

Address of Requesting Entity: 1 Federal Street, Camden, NJ 08103

Description of Request: Battlefield Anti-Intrusion System detects and classifies intruding personnel, wheeled, and tracked vehicles for forward intelligence collection or perimeter self-protection.

Project: Software Lifecycle Affordability Management (SLAM), Phase II

Funding Amount: $1,000,000

Account: Army Research, Development, Testing and Evaluation Advanced Tactical Computer Science and Sensor Technology

Legal Name of Requesting Entity: PRICE Systems, LLC

Address of Requesting Entity: 17000 Commerce Parkway Suite A, Mount Laurel, NJ 08054

Description of Request: Software Lifecycle Affordability Phase II model enables the Army to determine which software lifecycle strategies design realizes the greatest number of capabilities at the lowest cost, following the best schedule.

Project: Large Diameter Precision Aspheric Glass Molding

Funding Amount: $2,900,000

Account: Army Research, Development, Testing and Evaluation Weapons and Munitions Advanced Technology

Legal Name of Requesting Entity: Edmond Optics, Inc

Address of Requesting Entity: 101 E. Cloucester Pike, Barrington, NJ 08007

Description of Request: Large Diameter Precision Aspheric Glass Modeling technology is key in developing a secure US manufacturing base for low-cost precision aspheric optics, thus eliminating the current dependence of the DoD on foreign sourced products.

Project: Virtual Interactive Combat Environment (VICE)

Funding Amount: $2,000,000

Account: Army Procurement Training Devices

Legal Name of Requesting Entity: Dynamic Animation Systems

Address of Requesting Entity: 12015 Lee Jackson Highway, Suite 200, Fairfax, VA 22033

Description of Request: Virtual Interactive Combat Environment (VICE) provides a virtual environment within which small combat teams can be trained in current rules of engagement and tactics, techniques, and procedures. Six squad configurations of VICE will be procured for the NJ National Guard Joint Training and Training Development Center at Ft. Dix, which will improve the training for New Jersey Guardsmen and Reservists, as well as those from other States, mobilizing at Fort Dix and preparing to deploy into combat.

Project: Short Range Ballistic Missile Defense

Funding Amount: 28,000,000

Account: Defense Wide Research, Development, and Testing and Evaluation Ballistic Missile Defense Terminal Defense Segment

Legal Name of Requesting Entity: Rafael Advanced Defense Systems, Ltd

Address of Requesting Entity: 6903 Rockledge Drive, Bethesda, MD 20817

Description of Request: Short Range Ballistic Missile Defense is a joint Missile Defense Agency (MDA) and Israel Missile Defense Organization (IMDO) program to develop and deploy a cost-effective, broad-area defense for the State of Israel against short range ballistic missiles, large caliber rockets, and cruise missiles.

Project: Unified Security Forces Operations Facility, McGuire AFB

Funding Amount: $7,200,000

Account: Defense Wide Military Construction

Legal Name of Requesting Entity: McGuire Air Force Base

Address of Requesting Entity: McGuire Air Force Base, NJ

Description of Request: Unified Security Forces Operations Facility, McGuire Air Force Base, Fort McGuire, NJ. The facility is intended for joint use and will consolidate all security operations command and control at the McGuire-Dix-Lakehurst Joint Base.

Project: Modification of Authorization for Barnegat Inlet to Little Egg Harbor Inlet, NJ project to address handling of military munitions

Account: Defense Operations and Maintenance, Army

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: 100 East Penn Square, Philadelphia, PA 19107

Description of Request: Modifies the authorization for the Barnegat Inlet to Little Egg Harbor Inlet, NJ project to address the handling of military munitians placed on the beach during construction at Federal expense.

TRIBUTE TO DR. MICHAEL ALLISON KELLY

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Ms. ESHOO. Madam Speaker, I rise today to pay tribute to an outstanding researcher, business leader, professor, husband, father, grandfather, sailor, winemaker and prolific inventor, Michael A. Kelly, who is retiring after decades of outstanding work at Stanford University in the Department of Materials Science and Engineering.

Mike was born to James and Irene Kelly on December 14, 1936, in Roswell, New Mexico, (pop. 35,000—largest city for 200 miles) with wide open spaces and lots of sky. The Navy gave him an ROTC scholarship to UCLA when he was 18 years old and because he was such an outstanding student, he graduated in 1959 with a B.S. in engineering.

The Navy sent Mike to the Brooklyn Navy Yard for 3 years where large ships equivalent to aircraft carriers were built. He loved New York City where military service people were treated with great respect and given free tickets to Broadway plays and concerts. Mike attended Brooklyn Polytechnic during this time and received his MSEE in 1963.

After the Navy, Mike returned to California where he was accepted into one of the most competitive graduate programs in the nation, University of California at Berkeley's Physics Department. Mike studied photonuclear physics experiments on oriented nuclei under Professor Carl Helmholtz, finishing a PhD in nuclear physics in 1968.

Hewlett Packard wisely tapped Mike after he graduated to run a group developing analytical instruments running HP's R&D and marketing efforts for the early XPS spectrometer which was introduced in 1972. HP sold Mike the parts needed to build an XPS. Three colleagues and Mike developed a business plan to form a company called Surface Science Laboratories based in Mountain View, California, using this spectrometer to help local manufacturers solve production problems. Unable to secure venture capital, they each contributed $5,000, and Mike departed HP and became the company's first employee, with his partners helping evenings and weekends. They managed to survive without any additional funding and they were all employed by the company within a year. They added a division to manufacture XPS instruments and grew to about 100 employees. They decided to merge with a publicly traded instrument company (Kevex Corporation, with approximately 300 employees) in 1982, and Mike became the Chief Operating Officer and later President of the combined company.

In 1984, after Kevex Corporation was purchased by a British firm, Mike began his work at Stanford University under the leadership of Stig Hagstrom, then the outstanding Chairman of the Materials Science Department at Stanford. Mike planned to stay about a year, but the environment was so pleasant and invigorating that he stayed as a Consulting Professor, teaching courses in materials synthesis and characterization. Stig accepted a position in Sweden as the Chancellor of the Universities a few years later, and Mike continued to run his research group doing work on CVD diamond growth for five years. In 1991 Mike borrowed an XPS spectrometer from his old company, (Stanford later bought it) forming the basis of what is now the surface analysis lab in SNL. A recent collaboration with the brilliant and wonderful Professor ZX Shen developing a microwave microscope has been a particularly valuable experience for Mike.

Mike has been awarded many professional honors including the IR(100) Award for an imaging, photon counting detector; IR(500) Award for a high spatial resolution XPS spectrometer; the Glenn T. Seaborg Laboratory Special Award for a soft x-ray window; and the Takeda Foundation Techno-Entrepreneurship Award. Mike is a member of the American Physical Society, a Fellow of the American Vacuum Society, and member of the Materials Research Society. He is published and holds many patents.

Lastly, Mike enjoys the honor of being part of the Kelly Clan which includes his wife Carol; his children Jim, Paul, Maureen, and Brian, their spouses and partners Charlie, Lisa, and Jack; Carol's children Karen and Eric, and Eric's wife Sarah; his brothers and sister Tom, Dick, and Barbara, and their spouses and partners Jan, Melanie and Milt; his nephews and nieces Mike (and his wife Darlene), Sean, Kathy (and her husband Mike), Patty, Tommy, Kelly, Mike, Gretchen, and Matt; and his adored grandchildren Izzy, Annie, Lucy, Ryan, Jack, and Katie.

Madam Speaker, I ask my colleagues to join me in honoring the work of Dr. Michael A. Kelly as he begins the next exciting chapter of his life. Mike has given exemplary service to advance the research goal of better understanding of materials and energy sciences that form the foundation for developing new, clean energy with less impact on our environment, an endeavor that benefits our entire nation. He is a conscientious and gifted mentor of the next generation of talented young scientists, and a true example of being a scholar and a gentleman. It is a privilege to know and represent Mike Kelly and an honor to single out his extraordinary achievements and contributions.

TRIBUTE TO SOUTH WINNESHIEK FFA DAIRY JUDGING TEAM

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. LATHAM. Madam Speaker, I rise today to honor a great achievement by the South Winneshiek Future Farmers of America (FFA) dairy judging team of Kari Lien and Jordan Hanson of Winneshiek County, Iowa. They were recently named the international champions at the Royal Highland Show in Edinburgh, Scotland.

The annual Royal Highland Show, which started in 1822, is a 4-day countryside festival and Scotland's biggest outdoor event. In addition to being named to the top dairy judging team, Kari Lien was named the individual champion. The four-member team of Kari, Jordan, Aaron Lien, and Carly Lyons advanced to the international competition before being split into two teams by the organizers.

The example set by Kari, Jordan, Aaron, and Carly demonstrates the rewards of hard work, dedication and determination. Their triumph is an honor that we all can admire and be proud of.

I am honored to represent the members of the South Winneshiek FFA dairy judging team and their adviser Dennis Bluhagen in the United States Congress. I know that my colleagues join me in congratulating them and wishing them continued success in their future endeavors.

HONORING CHRISTOPHER WILLIAM PARNACOTT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Christopher William Parnacott of Gladstone, Missouri. Christopher is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 180, and earning the most prestigious award of Eagle Scout.

Christopher has been very active with his troop, participating in many Scout activities. Over the many years Christopher has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Christopher William Parnacott for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

EARMARK DECLARATION

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. ENGLISH of Pennsylvania. Madam Speaker, pursuant to the Republican leadership standards on earmarks, I am submitting

the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I requested which were included as part of H.R. 2638, a bill making continuing appropriations.

Bear Metallurgical Corporation ($1,600,000, Defense Health Program). The entity to receive funding for this project is the Bear Metallurgical Corporation, located at 679 E. Butler Rd., Butler, PA 16002. Budget: product safety studies, $2.262 million; lung toxicity model development, $250,000; data analysis, $200,000; program expenses, $788,000. The funding would be used to research vanadium safety in military applications.

Software Technology Concepts ($1,000,000, RDT & E, Army). The entity to receive funding for this project is Software Technology Concepts, located at 2214 W. 8th St., Erie, PA 16505. Budget: Initialization and preliminary research/review, $550,000; Integrated Resolutions Development, $500,000; Hardware upgrades, $650,000; Final TACOM Tech Transfer, $750,000; Technology Extensions, $850,000; Administration, $500,000. The funding would be used for an Extended Lifecycle Management Environment project to coordinate product and service specifications for Army processes.

INRange Systems, Incorporated ($1,400,000, RDT & E, Army). The entity to receive funding for this project is INRange Systems, Incorporated, located at 220 Lakemont Park Blvd., Altoona, PA 16602. Budget: research staff, $1.64 million; equipment, $650,000; materials, $4.151 million; report generation $239,000. The funding would be used to continue development of telepharmacy robotic medicine devices.

LORD Corporation ($2,000,000, RDT & E, Air Force). The entity to receive funding for this project is the LORD Corporation, located at 2000 W. Grandview Blvd., Erie, PA 16509. Budget: Personnel, $1,989,741; Materials, $ 366,000; Equipment, $ 273,000; Outside direct costs, $ 537,000. The funding would be used for technology to electronically balance C–130 propeller blades.

eV Products, a division of II–VI, Incorporated ($1,600,000, RDT & E, Defense-wide). The entity to receive funding for this project is eV Products, a division of II–VI, Incorporated, located at 373 Saxonburg Rd., Saxonburg, PA 16056. Budget: DTRA G & A: $0.3 million; Materials & Supplies: $1.4 million; General & Administrative (G & A): $.4 million; Labor: $0.5 million. The funding would be used for development of Next Generation Intelligent Portable Radionuclide Detection systems.

Boeing-SVS, Incorporated ($1,200,000, RDT & E, Navy). The entity to receive funding for this project is Boeing-SVS, Incorporated, located at 183 Northpointe Blvd. Suite 600, Freeport, PA 16229. Budget: $3.6 million for complete phenomenology studies, collecting data over open water; optimize and re-design a brass-board visual interruption system for operation under environment extremes of mission use; update the Laser Threat & Mission Planning System model in concert with the Naval Health Research Center; develop, integrate, and test an environmentally robust prototype. The funding would be used to deign and develop a multi-function laser system.

EARMARK DECLARATION

HON. VIRGIL H. GOODE, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. GOODE. Madam Speaker, Pursuant to the standards set forth by Republican leadership, I submit the following information for publication in the CONGRESSIONAL RECORD:

Requesting Member: Congressman VIRGIL GOODE

Bill Number: H.R. 2638

Account: Research, Development, Test & Evaluation, Army

Legal Name of Requesting Entity: Goodyear Tire and Rubber Company

Address of Requesting Entity: 1901 Goodyear Boulevard, Danville, VA 24541

Description of Project: $800,000 for development and qualification of tires for current Stryker vehicles and next generation tires for heavier load Stryker vehicles under development.

Requesting Member: Congressman VIRGIL GOODE

Bill Number: H.R. 2638

Account: Research, Development, Test & Evaluation, Army

Legal Name of Requesting Entity: Innovative Wireless Technologies, Inc.

Address of Requesting Entity: 1047 Vista Park Drive, Forest, VA 24551

Description of Project: $700,000 to continue development of sensors technology to detect, identify, and classify potential enemy targets for the U.S. Army.

Requesting Member: Congressman VIRGIL GOODE

Bill Number: H.R. 2638

Account: Research, Development, Test & Evaluation, Air Force

Legal Name of Requesting Entity: NextGen Aeronautics

Address of Requesting Entity: 2780 Skypark Drive, Suite 400, Torrance, CA 90505

Description of Project: $500,000 to develop a cognitive, high altitude, long endurance unmanned aerial vehicle.

Requesting Member: Congressman VIRGIL GOODE

Bill Number: H.R. 2638

Account: Research, Development, Test & Evaluation, Defense Wide

Legal Name of Requesting Entity: SPARTA, Inc.

Address of Requesting Entity: 890 East Rio Road; Charlottesville, VA 22901

Description of Project: $2,000,000 for Missile Technology Proliferation.

Requesting Member: Congressman VIRGIL GOODE

Bill Number: H.R. 2638

Account: Other Procurement, Navy

Legal Name of Requesting Entity: Sperry Marine, Inc.

Address of Requesting Entity: 1070 Seminole Trail, Charlottesville, VA 22901

Description of Project: $3,000,000 for procurement, testing, and installation of AN/WSN–7 Fiber Optic Gyro field upgrade kits on submarines and surface ships.

Requesting Member: Congressman VIRGIL GOODE

Bill Number: H.R. 2638

Account: Research, Development, Test & Evaluation, Army

Legal Name of Requesting Entity: The Timken Company

Address of Requesting Entity: 38860 Sierra Lane, Lovettsville, VA 20180

Description of Project: $1,280,000 for development of an advanced gear material system for helicopter power transmissions.

Requesting Member: Congressman VIRGIL GOODE

Bill Number: H.R. 2638

Account: Research, Development, Test & Evaluation, Army

Legal Name of Requesting Entity: Virginia Tech-Wake Forest Center for Injury Biomechanics

Address of Requesting Entity: 100F Randolph Hall, MC 0238, Blacksburg, VA 24061

Description of Project: $3,200,000 for targeted research designed to investigate and reduce the risk of head, neck, and chest injuries military personnel face in the modern warfare arena.

Requesting Member: Congressman VIRGIL GOODE

Bill Number: H.R. 2638

Account: Research, Development, Test & Evaluation, Defense-Wide

Legal Name of Requesting Entity: Virginia Tech

Address of Requesting Entity: 219 Burruss Hall, Blacksburg, VA 24061

Description of Project: $2,000,000 to continue the study of domestic crisis management and assist in integrating information into network-centric data systems of representations, predictive models, and decision support tools in the event of biologic threats.

EARMARK DECLARATION

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. PORTER. Madam Speaker, pursuant to the Republican leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 2638—The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Requesting Member: Congressman JON C. PORTER

Bill Number: H.R. 2638—The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009

Account: Army, RDTE account

Legal Name of Requesting Entity: Southwest Gas

Address of Requesting Entity: 4300 W. Tropicana, Las Vegas, NV, USA

Description of Request: Provide an earmark of $2,400,000 to complete funding to continue the stringent 10-ton GEDAC field tests at four military installations. This request is consistent with the intended and authorized purpose of the Army, RDTE account.

TRIBUTE TO DON AND MICKIE STEPHEN

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. LATHAM. Madam Speaker, I rise to recognize the 50th anniversary of Stephen Cleaners and the retirement of Don and Mickie Stephen, co-owners of Stephen Cleaners in Adel, Iowa.

Don began working with his father in the dry cleaning business in Oskaloosa, Iowa, in 1948. In 1958, Don and his wife Mickie moved to Adel and began Stephen Cleaners on the downtown courthouse square. Don and Mickie continued the business through many changes in business climate and innovations in wash-and-wear fashions. They have now passed the business down into good hands; their daughter and son-in-law, Linda and Randy Clark already have 25 years of their own business experience.

Don and Mickie Stephen have left a positive mark on the city of Adel and will be truly missed on Nile Kinnick Avenue. However, just as they have been doing since 1969, the Stephens will continue to camp out at and attend the annual Iowa State Fair, which is the only time of year they ever closed their store. I know that my colleagues in the United States Congress join me in commending Don and Mickie for their service to their community and congratulating them on their retirement and over 60 happy years of marriage. I consider it an honor to represent Don and Mickie in Congress, and I wish them a long, happy and healthy retirement.

HONORING BENJAMIN SAUNDERS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Benjamin Saunders of Kansas City, Missouri. Benjamin is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 180, and earning the most prestigious award of Eagle Scout.

Benjamin has been very active with his troop, participating in many Scout activities. Over the many years Benjamin has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Benjamin Saunders for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

THE DAILY 45: A MASSACHUSETTS SUICIDE

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. RUSH. Madam Speaker, everyday, 45 people, on average, are fatally shot in the United States.

Unfortunately, many of these shootings are the result of a relationship gone bad. On September 22, in Massachusetts, with a .35-caliber gun in his hand and a lack of judgment in his head, Scott MacLellan shot and wounded his ex-girlfriend's new boyfriend and then fired a fatal shot into his own skull. She was ready and did move on, but Scott refused to respect her wishes. Too many people with control issues are forcing either their partners or themselves to an early grave. Too often, they use a gun to carry out their plans.

Americans of conscience must come together to stop the senseless death of "The Daily 45." When will Americans say "enough is enough, stop the killing!"

HONORING THE RETIREMENT OF REPRESENTATIVE MICHAEL R. MCNULTY

SPEECH OF

HON. KIRSTEN E. GILLIBRAND

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 22, 2008

Mrs. GILLIBRAND. Mr. Speaker, I rise today to honor Congressman MICHAEL MCNULTY, the distinguished Representative of New York's 21st District, as he prepares to conclude 20 years of service to the people of Upstate New York in the House of Representatives.

In Congress, MICHAEL MCNULTY has been more than simply a colleague to me over the past 2 years, but also a mentor and friend. I have benefited greatly from his constant advice and counsel as I navigate through my first term in Congress. He has always been there to offer an encouraging word or friendly piece of advice. For that and many other reasons, I will miss his presence here in the House Chamber.

Congressman MCNULTY started on his path to service when he became an Eagle Scout at the age of 12, displaying at an early age his leadership and dedication to public service. He then went on to become the youngest Town Supervisor in New York State when he was elected as Supervisor of the Town of Green Island at the age of 22.

Congressman MCNULTY's service in elected office spans almost four decades, as supervisor and mayor of the Village of Green Island, a member of the New York State Assembly and a Member of this House since 1988. In Congress, MICHAEL MCNULTY has distinguished himself by serving his constituents on several important committees, including for fifteen years on the Ways and Means Committee, where he is currently the Chairman of the Subcommittee on Social Security.

As Congressman MCNULTY leaves us here in Congress, he goes home to spend more time with his lovely wife Nancy, their four daughters and five grandchildren, who I know he adores. Our loss is truly their gain, and I am sure that they are thrilled that he will be able to spend more time with them back home in New York.

In conclusion, Madam Speaker, I thank Congressman MCNULTY for his friendship and his service to the people of New York and the United States. I wish him every success in all of his future endeavors.

EARMARK DECLARATION

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. ADERHOLT. Madam Speaker, pursuant to the Republican leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, amendment of the Senate to H.R. 2638 the Department of Homeland Security Appropriations Act 2008; Division C—Department of Defense Appropriations Act, 2009.

Request as named in the report: D–NET: Electrically Charged (ECM) Mesh Defense Net Troop Protection System.

Requesting Member: ADERHOLT.

Bill Number: Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, amendment of the Senate to H.R. 2638 the Department of Homeland Security Appropriations Act 2008.

Account or Provision: Division C—Department of Defense Appropriations Act, 2009 RDT&E—Army; Line 10, Missile Technology.

Legal Name of Requesting Entity: Victory Solutions, Inc.

Address of Requesting Entity: 4900 Corporate Drive, Suite A, Huntsville, AL, 35805.

Description of Request: $2,560,000 will be used to further develop a system to defend against rocket propelled grenades (RPG), mortars, and small rocket fire. The system meets a need for a defense mechanism which uses a non-explosive form of delivery and thereby can be mounted on helicopters without adding danger to the helicopter when it is fired upon. Recent meetings of the contractor with DOD have created a strong interest in possibly first deploying this system to protect ground vehicles. Funding of $3.2 million would have provided for the following activities, with perhaps more funding needed for the final phase; these plans will be adjusted, to adapt to the final Congressional figure above. Phase II, Task A Net Development R&D ($500k): Net Material, Ground vehicle version $80k; Aerial Platform $80k; 15 Range Tests/Parametric Studies/Validation, $100k; Labor/Salaries (Engineering and Manufacturing labor), $240k. Phase II, Task B Launcher Development ($1M): Ground and Aerial Launcher Design and Development R&D and Fabrication, $450k; 10 Range Tests, $75k; Labor for Engineering, Integration and Manufacturing, $400k; Travel to Govt Program Office Customers, $75k. Phase II, Task C Launcher Fire Controller ($500k): Sensor Compatability Design, Platform Design, Current System Availability Design, $200k; Fire Control Communication Cards, $150k; Labor (Engineering and Manual Data Card Configuration), $150K. Phase II, Task D Integration to Systems & Platforms:

Design and Integration Trade Studies, COTS Integration Analysis and Labor, $450; Customer Specification Design Driven Travel to Platform Project Offices, $50k. Phase III, On Demand Manufacturing and Fielding Requirements: 1st Order (500–1,000) Material, Manufacturing to Order and Ship to War Zone Delivery Costs, $1.2M Estimated. The Army Aviation & Missile, Research, Development, and Engineering Center (AMRDEC) at Redstone Arsenal conducted initial tests and development activities, including Net Prototype Hardware, which passed a bench test in November 2007, and a range test February 26, 2008. 100 percent Effective vs. RPGs with 3 for 3 Intercept Negations. After summer briefings to Army and JIEDDO staff, additional Army tests funds have been committed by AMRDEC for 6 Tests in October 2008. The Army and JIEDDO have stated they want technology for Ground vehicles and rotor aircraft ASAP and will sponsor seed tests. If successful tests continue, this project could provide very near-term, very effective protection for helicopters and ground vehicles at a much lower cost than current efforts, thereby saving lives, equipment, and mission-time.

Request as named in the report: Collection Management Tool Development.

Requesting Member: CRAMER, ADERHOLT.

Bill Number: Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, amendment of the Senate to H.R. 2638 the Department of Homeland Security Appropriations Act 2008.

Account or Provision: Division C—Department of Defense Appropriations Act, 2009. Defense-Wide RDT&E; Budget line 999 Classified Programs.

Legal Name of Requesting Entity: DESE Research, Inc.

Address of Requesting Entity: 315 Wynn Drive, Suite 2, Huntsville, AL 35805.

Description of Request: $1,440,000 to develop automated tools to assist analysts in identifying foreign technology intelligence collection requirements.

Request as named in the report: Space Control Test Capabilities.

Requesting Member: EVERETT, ADERHOLT, Rogers (AL).

Bill Number: Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, amendment of the Senate to H.R. 2638 the Department of Homeland Security Appropriations Act 2008.

Account or Provision: Division C—Department of Defense Appropriations Act, 2009. RDT&E—Air Force, Line 66 Counterspace Systems.

Legal Name of Requesting Entity: Davidson Technologies.

Address of Requesting Entity: 530 Discovery Drive, Huntsville, AL 35806.

Description of Request: $1,600,000. The funding is for the continued development and accreditation of Space Control Test Capabilities to support the Air Force's requirement to integrate offensive and defensive space control elements into a single System-of-Systems counterspace system approach; specifically, to address the optimization of C^2 processes and resources, and to develop a cost assessment tool for the government to test space control systems in a simulated environment before costly hardware development begins. Space Control Test Capabilities supports the Air Force Space Control mission areas and mission support as outlined in the Air Force's ''Strategic Master Plan for FY 2006 and beyond'', the ''Joint Doctrine for Space Operations (JP 3–14)'', and the ''Counterspace Operations (JP 2–2.1)''. The SCTC software suite allows the warfighters the capability to develop net-centric System-of-Systems architecture-based C^2 models. Warfighters also have the ability to model Friend or Foe C^2 structures yielding the analysis of vulnerabilities and/or strengths. Based on funding of $2,000,000, the spending plan would have been as follows, and will be adjusted to meet the final amount mentioned above. Engineering Salaries (including Software Engineering, Systems Engineering, Design, Requirements and Documentation, Test Engineering, and Configuration Management): 1,780,000; Software Licensing (Goes toward software accreditation process): $10,000; Travel to Colorado Springs, AF Space Command: $10,000; Government Pass-through Costs: $200,000.

Request as named in the report: Protective Self-Decontaminating Surfaces.

Requesting Member: GRIJALVA, ADERHOLT.

Bill Number: Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, amendment of the Senate to H.R. 2638 the Department of Homeland Security Appropriations Act 2008.

Account or Provision: Division C—Department of Defense Appropriations Act, 2009. Defense Wide RDT&E Line 33, Chemical and Biological Defense Program—Advanced Development.

Legal Name of Requesting Entity: Ventana Research Corp. (VRC); and Kappler, Inc. (K, Inc).

Address of Requesting Entity: Ventana: 2702 South 4th Avenue, South Tucson, AZ 85713–4816; Kappler: 115 Grimes Drive, Guntersville, AL 35976–9364.

Description of Request: $1,600,000 to complete research on and produce prototypes of protective self-decontaminating clothing for use by the warfighter and Homeland Security personnel. The following spend plan was adjusted to the House subcommittee figure of $2,000,000, and will be adjusted to the House's final figure mentioned above. Ventana Research Corp: Labor, $620,000; Materials $60,000; Travel $20,000. Government Performers: DOD Joint Program Management Office-Decon (Program Manager), $170,000; Air Force Research Lab/RXQL (Test & Evaluation), $200,000; Natick Soldier Res. Dev. & Eng. Center (ACD&P Manager), $100,000. Kappler, Inc. (Protective Garments & Shelter Interiors), $800,000; WPI Chemistry & Biochemistry Dept. (Consulting), $30,000. Present decontamination processes against Chemical & Biological (CB) Agents are very labor intensive and time consuming requiring in many cases the use of expensive equipment and considerable down-times for applying the process. The advanced prototypes generated under this program will demonstrate the capability of providing immediate on-site protection applicable against multiple threats. The decontamination system will be much less manpower intensive, storage stable, environmentally safe, compatible with a wide variety of materials and protective gear and have the capability to penetrate and adhere to surfaces. It minimizes the need for complicated after-the-fact decontamination processes and maximizes recovery of critical military assets. The advanced prototypes produced and field tested under this program will demonstrate a cost-effective protection technology for our military personnel and civilian population. The target completion date is 12/30/2010.

Request as named in the report: Vertical/Horizontal Integration of Space Technologies and Applications (VISTA).

Requesting Member: ADERHOLT.

Bill Number: Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, amendment of the Senate to H.R. 2638 the Department of Homeland Security Appropriations Act 2008.

Account or Provision: Division C—Department of Defense Appropriations Act, 2009 RDT&E—Army; Line 34 Command, Control, Communications Advanced Technology.

Legal Name of Requesting Entity: Global Security & Engineering Solutions/L–3 Communications.

Address of Requesting Entity: 654 Discovery Drive, Huntsville, AL 35806.

Description of Request: $2,400,000 to the VISTA technology effort, to develop an application-based software program to integrate space and missile defense products and services with the tactical Army's Battle Command workstations using multi-agent and knowledge management technologies. When completed, this program will allow the warfighter to receive information on the battlefield from any U.S. asset, from any branch of the Armed Services, including satellite data. FY09 Congressional support will keep the program progressing and accelerate its delivery to the warfighter. The spend plan is as follows: Travel—$50,000; ODCs (Hardware and Software procurement), $50,000; Labor—$2,300,000: Broken Down by Task: Requirements Definition $225,000; Design $300,000; Implementation $350,000; Test $350,000; Certification $275,000; Event Participation (experiments, Army technology demonstrations, exercises and training events) $450,000; Fielding to Warfighter $350,000. The VISTA effort has demonstrated, in a laboratory Proof of Concept evaluation, automated space to specific unit threat warning capabilities across multiple networks. Missile Threat Warnings generated in the strategic Joint Data Network (JDN) were identified, analyzed and provided directly to the specifically threatened unit in the tactical Brigade and below network. These warnings were directly integrated with individually affected units equipped with either FBCB2 or C2PC Battle Command systems. This capability is being integrated into the Space and Missile Defense Battle Lab for experimentation during the fall of 2008. Additionally, this capability is in the planning and integration phases with the overall TITAN ATO effort with a planned demonstration at the Command, Control, Communications, Computers, Intelligence, Surveillance and Reconnaissance (C4ISR) On-The-Move (OTM) test-bed, Ft. Dix New Jersey, during the summer of 2009. This demonstration of the VISTA Information Dissemination and Management (IDM) intelligent multi-agent system is being sponsored by Battle Command Battle Lab-Leavenworth (BCBL–L) in coordination with the SMD Technical Center (SMDTC), Space Division, as well as CERDEC Command and Control Directorate (C2D) under a spin out capability from the TITAN ATO. The VISTA intelligent multi-agent system is also being proposed by BCBL–L (Battle Command Battle Lab at Ft Leavenworth) as a capability to enhance Battalion

and below electronic warfare and IED Situational Awareness. The VISTA system would integrate WARLOCK (IED Sensor) systems with FBCB2 Battle Command systems. This potential VISTA spin-out capability has been briefed to the Army G–6/CIO and JIEDDO PMs by BCBL–L personnel. BCBL–L in coordination with SMDTC (SMDC Technical Center) has developed proposal to execute a two-year rapid prototyping of this capability into FBCB2. Congressional support will facilitate approval for the rapid prototype development. Based on progress to date, the DOD has decided to include this program in future budget requests, beginning with FY10.

Request as named in the report: Radiation Hardening Initiative.

Requesting Member: CRAMER, ADERHOLT.

Bill Number: Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, amendment of the Senate to H.R. 2638 the Department of Homeland Security Appropriations Act 2008.

Account or Provision: Division C—Department of Defense Appropriations Act, 2009. RDT&E—Army. Line 55 Army Missile Defense Systems Integration.

Legal Name of Requesting Entity: Analytical Services, Inc.

Address of Requesting Entity: 350 Voyager Way, Huntsville, Alabama 35806.

Description of Request: $2,400,000 for a Radiation Hardening Initiative (RHI) to provide an integrated design suite enabling simpler yet comprehensive rad-hard analysis that can be performed earlier in the design of systems allowing for satisfaction of rad-hard requirements, reduced cost/risk and better schedule adherence. Approximately 90 percent of the funding is for salaries of researchers, engineers, and software developers. Approximately 10 percent is for software costs, including the purchase of some COTS to improve the analysis capability. Radiation hardening is not a requirement typically made at the local or state level. The programs that require this capability are typically national defense or space programs. Many planned assets remain vulnerable to radiation environments. The RHI will integrate four related technology areas: (1) RadHard Component Catalog. (2) Automated design environments for military systems. (3) Radiation transport and effects models, including natural and man-made radiation environments. (4) System-specific accredited modeling and simulation tools. The integrated RHI products will encapsulate a comprehensive rad-hard design approach that predicts mission performance and system cost through use of proven components and simulation-based design trades.

Request as named in the report: Autonomous Cargo Acquisition for Rotorcraft Unmanned Aerial Vehicles.

Requesting Member: CRAMER, ADERHOLT.

Bill Number: Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, amendment of the Senate to H.R. 2638 the Department of Homeland Security Appropriations Act 2008.

Account or Provision: Division C—Department of Defense Appropriations Act, 2009. RDT&E Army. Line 31 Aviation Advanced Technology.

Legal Name of Requesting Entity: Advanced Optical Systems, Inc. (AOS).

Address of Requesting Entity: 6767 Old Madison Pike, Suite 410, Huntsville, AL 35606.

Description of Request: $2,400,000 to develop and demonstrate completely unmanned cargo pickup and delivery, leveraging current developments for manned systems. This project will provide the Aviation and Missile Command with the development and demonstration of fully unmanned cargo pickup and delivery for logistics supply and weapons placement. The Army is currently developing a system for manned rotorcraft that will eliminate the need for a ground crew in external cargo operations. A completely unmanned cargo pickup and delivery system is the next logical extension, but currently this operational need is unfunded. Unmanned cargo operations would help reduce aircrew losses in situations such as those our armed forces are currently experiencing in Iraq and Afghanistan. Numerous Army UAS would benefit from this technology, and the technology would be applicable to other DOD UAS. These systems could also become useful for emergency evacuation. The spend plan is as follows: Army in-house: 10 percent—$240,000; In-house Labor: 60 percent—$1,440,000; Local machine shops 5 percent—$120,000; Local Radar subcontractor 15 percent—$600,000. The Army will supply an unmanned rotocraft, such as Fire Scout, A–160, or Unmanned Little Bird for testing. As a fallback, the Army may provide a manned helicopter for testing. The planned radar subcontractor is Phase IV of Huntsville, Alabama. Machine shops will provide custom hardware used in sensors, auto-attachment mechanisms, and for integration to the aircraft. Out of state vendors will supply parts such as lasers and computer chips.

Request as named in the report: Brownout Sensor Visualization and Hazard Avoidance System.

Requesting Member: CRAMER, ADERHOLT.

Bill Number: Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, amendment of the Senate to H.R. 2638 the Department of Homeland Security Appropriations Act 2008.

Account or Provision: Division C—Department of Defense Appropriations Act, 2009. Army RDT&E. Line 31 Aviation Advanced Technology.

Legal Name of Requesting Entity: Polaris Sensor Technologies, Inc.

Address of Requesting Entity: 200 Westside Square, Suite 320, Huntsville, AL 35801.

Description of Request: $800,000 to lead a Visualization System for helicopters in OIF and OEF. Efforts include development and testing of a system of novel sensors and displays for mitigating the dangerous brownout phenomenon as helicopters land and takeoff. The system will enable the pilot to maintain situational awareness as the helicopter enters and maneuvers in brownout. This project builds upon R&D by the Aviation and Missile RDEC and for Aviation PEOs. The program will develop, integrate, and test the visualization system including the sensor, the synthetic scene algorithms, and displays. Testing will encompass synthetic fly-throughs and testing at the Blackhawk flight simulator facility at Redstone Arsenal as well as human factors studies to assess pilot performance improvement. At a funding level of $1,000,000, the funds would be spent as follows; adjustments will be made to adapt to the final Congressional funding figure. The spend plan is approximately $700,000 for salaries of engineers and researchers within Polaris, and $100,000 for materials. The national significance of the Brownout Visualization System is the improved safety of our soldiers, flight crews, and support personnel, especially in environments such as Afghanistan and Iraq. In addition, the terrain mapping capability will improve intelligence gathering in high OPTEMPO regions.

Request as named in the report: Helicopter Reliability and Failure Analysis Center.

Requesting Member: Cramer, ADERHOLT.

Bill Number: Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, amendment of the Senate to H.R. 2638 the Department of Homeland Security Appropriations Act 2008.

Account or Provision: Division C—Department of Defense Appropriations Act, 2009. Army RDT&E. Line 8 Aviation Technology.

Legal Name of Requesting Entity: University of Alabama Huntsville.

Address of Requesting Entity: 301 Sparkman Drive, VBRH M–11, Huntsville, AL 35899.

Description of Request: $880,000 for a Center which would utilize Systems Engineering to help provide an understanding of failure mechanisms, failure modes and failure effects, of safety-critical and mission-critical parts for the DOD. The funding will be spent as follows, and the plan will be adjusted proportionally to adapt to the final Congressional dollar amount provided: Labor, $221,000; equipment investment, $645,000; travel, $14,000. Work will combine nondestructive testing with math modeling and simulation to determine the most efficient use of physical tests. The findings of the failure analysis will identify ''the condition'' that forms the basis for condition-based maintenance. This work has great potential to reduce O&M costs for aviation, automotive, communications systems while increasing systems readiness. This project will help Army Program Managers reduce maintenance and logistical support costs and improve systems readiness for Army aviation, automotive, and communication weapons systems.

Request as named in the report: Air, Space and Missile Defense Architecture Analysis Program (A3P).

Requesting Member: ADERHOLT, Rogers (AL).

Bill Number: Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, amendment of the Senate to H.R. 2638 the Department of Homeland Security Appropriations Act 2008.

Account or Provision: Division C—Department of Defense Appropriations Act, 2009. Army RDT&E. Line 57 Air and Missile Defense Systems Engineering.

Legal Name of Requesting Entity: Westar Aerospace & Defense Group, Inc.

Address of Requesting Entity: 890 Explorer Boulevard Huntsville, AL 35806.

Description of Request: $1,200,000 which provides the digital modeling and simulation infrastructure for systems to defend high priority assets from attack by missiles (cruise and tactical). The funding will be used for salaries of engineers and analysts working on the project. The future Integrated Air and Missile Defense system will provide a lethal net-ready force with an increased span of control and a smaller deployment footprint. The smaller footprint will make sustainment in the field less expensive. The use of networked battle command and improved capabilities for situational

awareness and soldier training will dramatically increase overall system effectiveness, survivability and force protection.

Request as named in the report: Advanced Hypersonic Weapon Technology Demonstration.

Requesting Member: EVERETT, ADERHOLT.

Bill Number: Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, amendment of the Senate to H.R. 2638 the Department of Homeland Security Appropriations Act 2008.

Account or Provision: Division C—Department of Defense Appropriations Act, 2009. Army RDT&E. Line 55 Army Missile Defense Systems Integration.

Legal Name of Requesting Entity: Westar Aerospace & Defense Group, Inc.

Address of Requesting Entity: 890 Explorer Boulevard Huntsville, AL 35806.

Description of Request: $2,400,000 to continue work on the AHW Tech Demo which reduces risk and flight test validates critical technologies required for prompt global strike. Funds will be used for salaries working on the technologies that are a part of this Prompt Global Strike support project. AHW would provide a ground-launched forward-deployed mid-term option to destroy time sensitive/high value targets at long distances. Critical technologies include Hypersonic Boost-Glide, TPS, precision NG&C, and the secure 2-way inflight communication required to enable the successful execution of the emerging USSTRATCOM mission for prompt global strike.

Request as named in the report: Army Responsive Tactical Space System Exerciser (ARTSSE).

Requesting Member: ADERHOLT, Cramer.

Bill Number: Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, amendment of the Senate to H.R. 2638 the Department of Homeland Security Appropriations Act 2008.

Account or Provision: Division C—Department of Defense Appropriations Act, 2009. Army RDT&E. Line 46 Missile and Rocket Advanced Technology.

Legal Name of Requesting Entity: J2 Technologies Inc.

Address of Requesting Entity: 4801 University Square, Suite 31, Huntsville, AL 35816–1815.

Description of Request: $2,000,000 to provide the Hardware in the Loop test capability designed to address the need to define performance requirements, evaluate and execute ORS (Operationally Responsive Space) programs thus ensuring the warfighter's continued access to space. The funds will be used as follows: $200,000 to support the Government Program Office Operations; $150,000 to purchase lab equipment; with the remaining $1,650,000 used to provide software and engineering support services, local or state matching funds. The ARTSSE capability, along with system flight testing, will fully address the existing need to define performance requirements, evaluate, and execute the Army Responsive Tactical Space Systems needed to ensure the warfighter's continued access to space.

Request as named in the report: Enhanced Rapid Tactical Integration and Fielding Systems (ERTIFS).

Requesting Member: ADERHOLT.

Bill Number: Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, amendment of the Senate to H.R. 2638 the Department of Homeland Security Appropriations Act 2008.

Account or Provision: Division C—Department of Defense Appropriations Act, 2009. Army RDT&E. Line 31 Aviation Advanced Technology.

Legal Name of Requesting Entity: PeopleTec.

Address of Requesting Entity: 4901–D Corporate Drive, Huntsville, AL 35805.

Description of Request: $1,600,000 to to support the development of new software, the purchase and testing of related hardware components, and related salaries, to accelerate the delivery of a prototype ''plug-and-play'' tool set that emulates weapon system functionality. Funding would be spent as follows: Approximately 90 percent allocated to engineering and related technical salaries for critical work on the Condition Based Maintenance efforts; approximately 5 percent allocated to material purchases; approximately 5 percent of the funds allocated to travel expenses. E–RTIFS will provide considerable cost savings and risk reduction for verifying and certifying interoperability of aviation systems with Future Force Battle Command Applications. It will be interoperable with the E–RTIFS environment and evolving CBM architectures currently under development in the ASIF (Aviation Systems Integration Facility).

Request as named in the report: Enhanced Rapid Tactical Integration and Fielding Systems (ERTIFS). Requesting Member: ADERHOLT.

Bill Number: Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, amendment of the Senate to H.R. 2638 the Department of Homeland Security Appropriations Act 2008.

Account or Provision: Division C—Department of Defense Appropriations Act, 2009. Army RDT&E. Line 31 Aviation Advanced Technology.

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Request as named in the report: M65 Bismaleimide Carbon Fiber Prepreg.

Requesting Member: ADERHOLT, BISHO (UT), TAUSCHER.

Bill Number: Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, amendment of the Senate to H.R. 2638 the Department of Homeland Security Appropriations Act 2008.

Account or Provision: Division C—Department of Defense Appropriations Act, 2009. Navy RDT&E. Line 16 Force Protection Advanced Technology.

Legal Name of Requesting Entity: Hexcel Corporation.

Address of Requesting Entity: 3300 Mallard Fox Drive, Decatur, AL 35603.

Description of Request: $1,600,000 to continue the work of qualification of M65 Bismaleimide resin for the F–22, F–35, Long Range Strike, UAV's and other future programs. Qualification consists of the generation of design allowable data that enables engineers to design aircraft. Labor and salaries will account for approximately 80 percent of the costs; materials 10–20 percent.The currently qualified BMI system on the F–22 and F–35 is a very low viscosity resin that exhibits a high percentage of resin flow during cure. This high resin flow results in excessive variability in the thickness of the cured structure. To account for this, parts manufacture either adds excess material and machine to final thickness or add shims during the assembly process. In some cases, a structure will be assembled and disassembled three or more times to achieve the desired tolerances. M65 is a controlled flow resin that does not exhibit high resin flow during cure. The controlled flow nature of M65 BMI resin will allow the manufacture of net thickness structures that will not need post manufacture, machining, or shimming. Other benefits of the system include faster processing rates using Advance Fiber Placement (AFP) and suitability for co-curing sandwich structures. The increase in fiber placement will reduce the number of man hours for parts manufacture as well as reduce the cost for new tooling. There would be significant cost reduction benefit from reduced assembly effort, increased processing speeds, longer out times, and simplified sandwich processing for current and future DOD aircraft programs. In addition, the elimination of shimming will result in reduced and consistent structural weight. Initial trials of the new M65 resin system have shown a 50 percent increase in the speed of part fabrication on the existing fiber placement machines. This could easily save $60–80M in equipment cost alone, plus it will reduce the cost of the F–35 and F–22 parts by approximately 40 percent. Additionally, the ability to return to the large one piece parts, like the F–35 upper wing skin, will create a significant weight savings, which the F–35 program desperately needs. Finally, material cost savings would be realized by introducing M65 as a competitive, second source. The impact of savings can be derived from the F–18 example where 40 percent material cost savings were realized. Given the national security significance, it is also important to maintain U.S. skills in this process.

Request as named in the report: High Fidelity Virtual Simulation and Analysis

Requesting Member: ADERHOLT.

Bill Number: Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, amendment of the Senate to H.R. 2638 the Department of Homeland Security Appropriations Act 2008.

Account or Provision: Division C—Department of Defense Appropriations Act, 2009. Army RDT&E. $1,600,000. Line.

Legal Name of Requesting Entity: Science Applications International Corporation, (SAIC).

Address of Requesting Entity: 6723 Odyssey Drive, Huntsville, AL 35806

Description of Request: $1,600,000 to leverage concept development/research across the operational spectrum. Funds will

primarily be used for the salaries of engineers working on this project, with 10 percent or less possibly be used for hardware or software. The Lab cuts operational support timeline by using simulation-based analyses & experiments with man-in-the-loop. The System Simulation and Development Directorate (SSDD) of the Aviation and Missile Research Development and Engineering Center (AMRDEC) is continuing to upgrade the capability of the Advanced Prototyping, Engineering and eXperimentation (APEX) Laboratory and is extending the application of detailed engineering level simulations across external networks in order to maintain the leading edge in modeling and simulation technology. The HFVSA is enhancing the SSDD's APEX Laboratory's capability to support deployed Soldiers through leveraging of the lab's concept development and research across the entire spectrum of operational environments. A key linkage to leverage the aviation and missile models and simulations is the use of existing Army simulation networks connected to Users in the TRADOC community to provide engineering level models and simulations in sufficient detail to properly examine mission needs. The APEX Lab is working to reduce the timeline necessary to support current and future operations using distributed simulation-based analyses and experiments with man-in-the-loop. Future improvements will increasingly be focused on accurately representing today's fight while also ensuring that research & development efforts supporting current and future weapon systems are conducted within accurate and meaningful operational environments throughout the life-cycle. The HFVSA program will provide relevant solutions to existing and emerging operational challenges. It will provide the ability for commanders to prioritize and gain consensus through relevant studies and analyses of alternative concept solutions. HFVSA increases the level of engineering fidelity available to Battle Labs and consolidates engineering resources between simulation communities/domains.

Requesting Member: ADERHOLT.

Bill Number: Senate Amendment to H.R. 2638.

Provision/Account: Division D/Federal Emergency Management Agency.

Legal Name of Requesting Entity: ''City of Rainbow City.''

Address of Requesting Entity: 3700 Rainbow Drive, Rainbow City, AL 35906.

Description of Request: Provide $1 million for urgent storm drainage improvements. The project would be one of several phases due to Rainbow City having widespread storm drainage issues. CDBG funding through ADECA has been applied for in the amount of $500,000 to address drainage problems in the City's only low income area. With local funds alone, this overall project would be completed at a much slower pace. However, the City is prepared to include the 45 percent local match in the general budget. The project is not eligible for completion with state funds.

Requesting Member: ADERHOLT.

Bill Number: Senate Amendment to H.R. 2638.

Provision/Account: Division D/Coast Guard.

Legal Name of Requesting Entity: ''Warrior Tombigbee Waterway Association''.

Address of Requesting Entity: 250 No Water St., Mobile, AL 36652.

Description of Request: Provide $4 million to the U.S. Coast Guard for the replacement of the CSX RR Bridge over Mobile River ordered by USCG Commandant as authorized under the Truman-Hobbs Act. Pending availability of funds, the design of the new bridge would be completed in November 2008 and ready for construction in FY 2009. The current estimated total cost of the project is $75.5 million; the federal share is $69.8 million. To date, the total amount of federal funds appropriated to this project has been $48.4 million. The potential $4 million appropriation would raise the amount of available federal funds to $52.4 million; hence an additional $17.4 million would be needed to complete the federal funding portion of the project presuming no increases in project cost before beginning construction.

The Fourteen Mile Bridge received an average of $5.38M annually since fiscal year 2000. Progress is limited by availability of funds, inflationary pressures, and the significant increase in the cost of steel over the last several years. It is estimated that the construction duration for the new bridge will be two years.

Requesting Member: ADERHOLT.

Bill Number: Senate Amendment to H.R. 2638.

Provision/Account: Division D/Federal Emergency Management Agency.

Legal Name of Requesting Entity: ''Center for Domestic Preparedness'' (Federal Training Facility).

Address of Requesting Entity: 61 Responder Dr., Anniston, AL 36205.

Description of Request: Provide $62.5 million for the Center for Domestic Preparedness which is located in Anniston, Alabama. It is a key training Federal facility operated by the Department of Homeland Security. It is the only weapons of mass destruction (WMD) training facility that provides hands-on training to civilian emergency responders which includes live chemical agents. The Center is a leading member of the National Domestic Preparedness Consortium. For Fiscal Year 2008, Congress provided $62.5 million for the Center for Domestic Preparedness. In addition, the 9/11 Recommendations Implementation Act of 2007, which the President signed into law on August 3, 2007, included language that authorized increases in funding for the Center over a period of four years. (Sec. 1204, P.L. 110–53). The House Appropriations Committee bill recommended a funding level consistent with the president's budget. The Senate Appropriations Committee recommended last year's funding level of $62.5 million. This bill contains the Senate amount.

Requesting Member: ADERHOLT.

Bill Number: Senate Amendment to H.R. 2638.

Provision/Account: Division D/Federal Emergency Management Agency.

Legal Name of Requesting Entity: ''Jackson County Commission''

Address of Requesting Entity: Courthouse Suite 47, Scottsboro, Alabama 35768.

Description of Request: Provide $90,000 to construct a transmitter to assist residents receiving notifications to their NOAA weather radios. This amount represents the entire cost of the transmitter. The funds will be used for the transmitter, coax, antenna, and installation.

TRIBUTE TO MARILYN ALLENDER

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize Marilyn Allender of Jefferson, Iowa as a new inductee into the Iowa 4–H Hall of Fame for her outstanding service and dedication to 4–H.

Counties select inductees for their exceptional work in contributing to the lives of 4–H members and the overall 4–H program. Many inductees served either as club leaders, youth mentors, or financial supporters. These people must have demonstrated dedication, encouragement and commitment.

Marilyn Allender was a 7 year member of 4–H, a leader for 15 years, and has been a judge at all levels (local, achievement shows, county fairs and state fairs) for 55 years total, and she is still active within the program. She has participated at the county level by serving as a chaperone for several events, ranging from a local trip to Des Moines, to going along on the Washington, D.C. trip. In 2002, she received the Greene county 4–H Alumni Award for her many years of varied and extensive service to the program. A local spokesperson said this of Marilyn, ''Her positive, caring, and encouraging attitude helped youth to truly make the best better by achieving the very best that they are capable of.''

I congratulate Marilyn Allender on her well-deserved award, and I'm certain that she will continue to touch the lives of many people in her community and remain active in the 4–H club. It is a great honor to represent Marilyn in the United States Congress, and I wish her the best.

HONORING STEVEN JOSHUA MAURIN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Steven Joshua Maurin of Kansas City, Missouri. Steven is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1260, and earning the most prestigious award of Eagle Scout.

Steven has been very active with his troop, participating in many Scout activities. Over the many years Steven has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Steven Joshua Maurin for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE MEMORY OF REO KIRKLAND JR.

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. BONNER. Madam Speaker, the city of Brewton and the state of Alabama lost a dear friend last week, and I rise today to honor Reo Kirkland Jr. and pay tribute to his memory.

A native and life-long resident of Brewton, Reo graduated from T.R. Miller High School and earned his bachelor's degree at Auburn University. He completed his education by earning his law degree from Jones School of Law.

Reo went on to serve as assistant district attorney and founded the firm, Reo Kirkland Attorney at Law. He also served two terms as an Alabama state senator and was the long-time chairman of the Escambia County Democratic Executive Committee.

An avid outdoorsman, Reo was a certified hunting guide in Maine and a delegator for the Alabama Wildlife Commission.

The Brewton Standard remembered Reo Kirkland as one of the "last great Southern lawyers." History, perhaps, will most remember Reo as the delegate who nominated his mother for president during Alabama's roll call vote at the 1984 Democratic National Convention. Friends and colleagues remembered him as a passionate prosecutor, and District Attorney Steve Billy said Reo was "one of the finest prosecutors in the state."

Madam Speaker, I ask my colleagues to join me in remembering a dedicated community leader and friend to many throughout south Alabama. Reo Kirkland Jr. will be dearly missed by his family—his son, Reo Kirkland III; his brother, Karl Kirkland; and his sister, Jean—as well as the countless friends he leaves behind.

Our thoughts and prayers are with them all during this difficult time.

NATIONAL CAPITAL SECURITY AND SAFETY ACT

SPEECH OF

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

The House in Committee of the Whole House on the State of the Union 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.

Mr. CARDOZA. Mr. Chairman, I rise in full support of the recent passage of the amended version of H.R. 6842, the National Capitol Security and Safety Act. This legislation will finally bring the District of Columbia into compliance with the Second Amendment rights guaranteed by the United States Constitution.

On June 26, 2008, the United States Supreme Court correctly struck down a 32-year-old ban on handgun possession and ownership in the District of Columbia in District of Columbia v. Heller. This handgun ban required that all firearms within the city boundaries be registered, all owners be licensed, and prohibited the registration of handguns after September 24, 1976, making it one of the strictest in the country.

The District Council responded to the Heller decision with a temporary, emergency law that made some advances in returning gun rights to District residents but, unfortunately, retained a number of discriminatory obstacles to handgun possession. H.R. 6842, as amended, will revise the District of Columbia code to remove these unnecessary and unconstitutional hurdles to gun ownership. Among other things, the legislation will amend the registration requirements so that they do not apply to handguns, remove arbitrary limits on ammunition and repeal some criminal penalties for carrying unlicensed handguns. In total, H.R. 6842 will allow residents of the District to finally exercise their right to bear arms in a responsible manner, without unnecessary government regulation.

Throughout my tenure in Congress, I have consistently co-sponsored legislation to end the DC handgun ban and to expand and preserve Second Amendment rights within the District. While I certainly appreciate the desire to consider rates of violent crime when crafting gun control legislation, our country is based on the premise that enforcement of our fundamental rights cannot be haphazard. Those rights, especially those clearly enumerated in the Bill of Rights, must not be dismissed or diluted.

As a hunter and lifelong gun rights advocate, I applaud the passage of the amended version of H.R. 6842 and I look forward to Senate action on this measure.

GREAT LAKES—ST. LAWRENCE RIVER BASIN WATER RESOURCES COMPACT

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 22, 2008

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise today in opposition to S.J. Resolution 45, which expresses the consent and approval of Congress to an inter-state compact regarding water resources in the Great Lakes-St. Lawrence River Basin.

The Great Lakes are among America's most valued natural resources, containing over 90 percent of our fresh surface water. Effective management of the Great Lakes-St. Lawrence River Basin is crucial to protect against harmful diversion of water that causes environmental damage and depletion of the lakes.

I do not believe this bill has undergone a thorough, rigorous vetting process to ensure that its provisions provide strong enough protections against privatization, commercialization, and exportation of Great Lakes water. While that this legislation does take important steps toward ensuring protection of the lakes, I have several unanswered concerns with the bill as it stands now.

Any bill seeking to protect the Great Lakes from diversion efforts must have strong language protecting against the commercialization and diversion of Great Lakes water in the international trade system. I am deeply concerned that this bill defines Great Lakes water as a "product," potentially subjecting it to international trade law obligations under NAFTA, GATT, or the WTO. Furthermore, by exempting diversions of water in containers smaller than 5.7 gallons, how does this bill protect Great Lakes water from privatization claims from bottled water companies and other large commercial entities? The International Joint Commission, the U.S. State Department, and the U.S. Trade Representative have failed to provide answers to these questions.

I also believe strongly that any Great Lakes Compact must ensure full, active participation of the Tribes in the Great Lakes-St. Lawrence River Basin in any decision-making process. Language in this legislation requires "reasonable notice" to Tribes for commentary and an obligation to "inform" the Tribes of meetings and hearings regarding diversion of water. The intention of this language is right, but it must be stronger to ensure Tribes have a strong voice in any decisions related to the Great Lakes Basin.

The Great Lakes Compact is a critical piece of legislation, concerning one of America's most precious natural resources. We must hold it to the highest standards to ensure that the environmental and economic integrity of the lakes are protected in a manner that is inclusive of all stakeholders. I urge my colleagues to oppose this legislation until these concerns have been resolved.

REVEREND EARL ABEL POST OFFICE BUILDING

SPEECH OF

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2008

Mr. CLEAVER. Mr. Speaker, today, I rise to honor my friend and colleague the late Reverend Earl Abel of Kansas City, MO. In life, Reverend Earl Abel labored tirelessly for nearly 50 years as a minister, a community leader and mentor to countless members of the Kansas City community. When Reverend Abel founded the Palestine Missionary Baptist Church of Jesus Christ he only had 11 members. Today, his church has grown into one of the larger ministries in the Kansas City community. Under his leadership the church has built two senior citizens residences, a Senior Activity Center and a church camp for both youths and adults in the larger Kansas City community.

The Kansas City community was so central to Rev. Abel's heart, that in addition to the good works his church was engaged in. He personally took on many other important roles to serve the community that he loved including Chaplain for the Kansas City Police Department, President of the Baptist Ministers Union, and member of the Kansas City Council on Crime Prevention. In 1999, he was appointed to the Appellate Judicial Commission by Missouri Governor Mel Carnahan. Rev. Abel spent his life building good will and love and now it is my privilege to ask for your help to honor this man by naming a post office in the heart of Kansas City in his name.

My fellow members of Congress, I urge you to support H.R. 6198 which will designate the facility of the United States Postal Service located at 1700 Cleveland Avenue in Kansas City, Missouri, as the ''Reverend Earl Abel Post Office Building.

RYAN HAIGHT ONLINE PHARMACY CONSUMER PROTECTION ACT OF 2008

SPEECH OF

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2008

Mrs. BACHMANN. Mr. Speaker, yesterday, the House considered and passed H.R. 6353, the Ryan Haight Online Pharmacy Consumer Protection Act. This legislation will ensure that purchasers of potentially dangerous prescription drugs are evaluated face-to-face by a physician, removing the potentially dangerous anonymity inherent in the current federal regulations which allow prescriptions to be written based on a telephone call or online questionnaire.

To be sure, online pharmaceuticals makes it possible for millions of Americans to conveniently and affordably access the prescription medications on which they rely. However, the online system of prescribing and dispensing medication has been accompanied by a disturbing increase in the level of harm and death due to prescription drugs. This increase is, in large part, a result of the current federal guidelines that allow online pharmacies to write prescriptions for patients based on a telephone conversation with a physician or a simple online questionnaire, empowering patients to diagnose and prescribe for themselves virtually any drug and dosage they desire. Without the necessary information for adequate oversight by a qualified physician, many people have been exposed to dangerous and, all too often, deadly medications.

In response, many states have enacted laws requiring that individuals seeking access to powerful medications such as Vicoden and Xanax be evaluated in person before being prescribed a controlled substance. For example, in my state of Minnesota, the legislature and governor have recently worked together to establish Justin's Law. Named for a vibrant young man whose bright future was cut short by an overdose of prescription painkillers obtained through an internet pharmacy without a physician visit, Justin's Law has already been implemented to hold illicit online pharmacies accountable.

That said, the lives affected by online pharmacies are not limited to a particular state, and moreover, the interstate nature of the commerce conducted via the internet warrants that legislation be enacted at the federal level to help protect online consumers. As a result, I applaud my colleague, Congressman STUPAK for introducing H.R. 6353. This legislation, of which I am a cosponsor, will help stem the dangerous tide of controlled substances being dispensed without adequate supervision.

CREDIT CARD HOLDERS' BILL OF RIGHTS ACT OF 2008

SPEECH OF

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2008

Mr. GREEN of Texas. Madam Speaker, I rise in strong support of H.R. 5244, the Credit Card Holders' Bill of Rights Act.

It is all too common for hard-working Americans to be in debt because of credit cards. Many of my constituents struggle from paycheck to paycheck to make ends meet. Because of this they use credit cards as a means of acquiring the necessities of life, such as buying food for their family or paying utility or medical bills.

For most Americans, the language credit card companies use is difficult to understand, so most do not know what they are getting themselves into when they sign up to receive a credit card.

That is why I am pleased that my colleagues are considering H.R. 5244—the Credit Card Holders' Bill of Rights Act—of which I am a proud cosponsor.

This legislation gives rights back to the consumer, such as protecting them from arbitrary interest rate increases, early pre-payment penalties, and excessive fees.

This bill will help those Americans by requiring credit card companies to mail bills twenty-five days in advance before the bill is due and to notify the cardholders forty-five days in advance of any interest rate increase.

Today is a victory for the consumers as we have finally leveled the playing field between cardholders and the credit card companies.

FILIPINO VETERANS EQUITY ACT OF 2008

SPEECH OF

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 22, 2008

Mr. BACA. Madam Speaker, I rise today in support of H.R. 6897, Filipino Veterans Equity Act of 2008. Congress must recognize the veteran status of the 250,000 Filipinos who served in the United States Armed Forces in World War II.

In 1941, President Roosevelt drafted 140,000 Filipinos into the Service. They were promised US citizenship in exchange for fighting for our country. Unfortunately, in 1946 they were denied citizenship and Veteran's benefits. It was a post-war cost-cutting measure that President Truman said he later regretted signing into Law.

We have a chance to right a wrong that has been allowed to continue for over 60 years. We must act quickly to honor these brave men before it is too late. I urge my colleagues to join me and vote in support of H.R. 6897, Filipino Veterans Equity Act of 2008.

COMPREHENSIVE AMERICAN ENERGY SECURITY AND CONSUMER PROTECTION ACT

SPEECH OF

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise in support of H.R. 6899, the Comprehensive American Energy Security and Consumer Protection Act.

Every day my constituents contact my office wanting to know what Congress is doing to lower gas prices. Many of these families work full-time. Some even have more than one job. Yet as a result of skyrocketing energy costs and a weakening economy, they are struggling to make ends meet.

Madam Speaker, there is something fundamentally wrong with our energy policy when hardworking American families are increasingly burdened by escalating energy prices, while oil companies continue to reap record profits. Congress has a duty to move past short-sighted solutions, and pass this legislation which will provide the first steps to ending this inequity and our Nation's addiction to oil.

While I have serious concerns about the expansion of offshore drilling, I recognize however, that this compromise is needed to address the expiration of the moratorium on Outer Continental Shelf drilling and move the other important provisions in the legislation forward.

While it is far from perfect, H.R. 6899 is a necessary and realistic compromise that in addition to preventing drilling only three miles off our shores, will help expand our domestic energy supply, encourage energy efficiency and conservation, and reduce our Nation's dependence on oil.

H.R. 6899 will address our energy crisis by the temporary release of almost 10 percent of the oil in the Strategic Petroleum Reserve. This is expected to have the direct result of lower gas prices in the short-term.

The bill also invests in renewable energy technology by establishing a package of renewable energy tax credits and creating a renewable electricity standard, thereby giving us the tools and the incentives to break free of our dependence on oil. It is estimated that the renewable electricity standard will save American consumers up to $18 billion by 2020. In addition, the tax credits will help spur the creation of new, green jobs and encourage the next generation of job development here in America.

The bill also ensures that oil companies will pay their fair share of royalties on their drilling leases. Due to errors made by the Department of the Interior in 1998 and 1999, many oil companies who were granted leases during that time were exempt from paying royalties. This has amounted to $15 billion in lost revenues to the American taxpayer. There is absolutely no reason that oil companies should continue to cash in while American families can't even make ends meet. By rectifying this error, H.R. 6899 will ensure that the Interior Department will be able to collect the payments owed to hardworking Americans.

Given the current crisis, it is necessary we take the first step to reach our larger goal of energy independence. The Democratic leadership has wisely rejected the Republican Party's shortsighted call for ''drill-only'' legislation,

and instead has put forward a responsible plan to give states the option to decide if portions of the Outer Continental Shelf no closer than 50 miles off our shores will be opened to oil drilling—and it requires oil companies to drill on their existing leases or lose them. I am gratified that the legislation will incorporate environmental safeguards by permanently withdrawing national marine monuments and national marine sanctuaries from leasing eligibility.

I urge my colleagues to support this legislation to protect our shores from the lifting of the offshore drilling moratorium and as a first step away from dependence on foreign oil and toward critical investments in renewable energy technology. This legislation provides the foundation for a long-term strategy to move the Nation on the road to energy independence.

HONORING ALLEN EUGENE MYERS, JR.

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Allen Eugene Myers, Jr., of Gladstone, MO. Allen is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1260, and earning the most prestigious award of Eagle Scout.

Allen has been very active with his troop, participating in many Scout activities. Over the many years Allen has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Allen Eugene Myers, Jr., for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

EARMARK DECLARATION

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. LATHAM. Madam Speaker, I wish to make the following disclosure in accordance with the new Republican Earmark Transparency Standards requiring Members to place a statement in the CONGRESSIONAL RECORD prior to a floor vote on a bill that includes earmarks they have requested, describing how the funds will be spent and justifying the use of federal taxpayer funds.

Requesting Member: Congressman TOM LATHAM.

Bill Number: H.R. 2638, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009. Division C—Department of Defense Appropriations Act.

Account: Aircraft Procurement, Army Project Name: UH–60 Improved Communications (ARC 220) for the ARNG.

Legal Name of Requesting Entity: Rockwell Collins, Inc.

Address of Requesting Entity: 400 Collins Rd., NE, Cedar Rapids, IA 52498.

Description of Request: To date, the Army National Guard has received 141 UH–60L helicopters from the regular Army without the ARC–220 radio system. The National Guard currently has funding of $3.9 million to outfit 85 of the 141 UH–60 helicopters that are missing the ARC–220 radio system, and the $1.6 million appropriation included in this bill will help outfit the remaining National Guard Helicopters. Mission and threat changes, as well as responding to emergencies and/or immediate medical evacuation calls, require the crew to have ability to communicate immediately and effectively over long distances (200 vs. the current 20 miles). The ARC–220 radio system is a formal Army Program of Record (POR) that is combat proven and currently being utilized by the U.S. Army in their AH–64s, UH–60s and CH–47s in combat. The ARC–220 is an essential combat-multiplier for long range voice, data and situational awareness to the flight crews and operational commanders. This lack of long-range communications reduces mission flexibility and increases risk to both the aircrew and soldiers being supported. Additionally, situations involving precautionary landings executed outside the current range of communications leave the aircrew with no immediate, effective means to communicate this situation with higher or adjacent forces for immediate assistance. Failing to fund long range communication will inhibit mission flexibility, decrease threat knowledge and limit emergency communications.

Requesting Member: Congressman TOM LATHAM.

Bill Number: H.R. 2638, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009. Division C—Department of Defense Appropriations Act.

Account: Research, Development, Test And Evaluation, Army.

Project Name: Advanced Live, Virtual, and Constructive (LVC) Training Systems.

Legal Name of Requesting Entity: Iowa State University.

Address of Requesting Entity: 1750 Beardshear Hall, Ames, IA, 50010.

Description of Request: The Virtual Reality Applications Center (VRAC) located at Iowa State University, will develop three advanced software prototypes for LVC training that dramatically enhance the ability of a training officer to create efficient and effective training programs. Keeping up with the unique demands of urban combat and the ever-changing tactics of the insurgency in Iraq requires flexible and adaptive training systems that can be modified rapidly and deployed reliably and effectively in the field. The VRAC at Iowa State University has a scientific team leading research in the development of immersive virtual training environments. 50% of the funding will be used for equipment, 25% for salaries and benefits, and the remaining 25% will be used for software licenses, student tuition and other expenses.

Requesting Member: Congressman TOM LATHAM.

Bill Number: H.R. 2638, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009. Division C—Department of Defense Appropriations Act.

Account: Research, Development, Test And Evaluation, Army.

Project Name: Battlefield Plastic Biodiesel.

Legal Name of Requesting Entity: Renewable Energy Group and General Atomics.

Address of Requesting Entity: Renewable Energy Group, 416 South Bell Avenue. Ames, IA 50010. General Atomics, 3550 General Atomics Ct. San Diego, CA 92121.

Description of Request: $1.6 million is provided in the bill to continue a 3-year partnership with the U.S. Army to develop a technology providing a cost effective way to recycle military plastic waste into a useable biodiesel fuel with enhanced energy yield, for use in field power generation and other applications. This technology has the potential to save taxpayers millions per month in military waste disposal costs, and enhance the viability of increased use of biodiesel by both the military and civilian sectors to achieve greater energy independence. The $1.6 million FY09 appropriation is needed to complete the development phase of this multi-year project and demonstrate the technology.

Requesting Member: Congressman TOM LATHAM.

Bill Number: H.R. 2638, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009. Division C—Department of Defense Appropriations Act.

Account: Research, Development, Test And Evaluation, Army.

Project Name: New Vaccines to Fight Respiratory Infection.

Legal Name of Requesting Entity: Iowa State University.

Address of Requesting Entity: 1750 Beardshear Hall, Ames, IA, 50010.

Description of Request: A team of researchers at Iowa State University and the University of Nebraska Medical Center with expertise in biotechnology, bacterial genetics, pathogenomics, immunology and polymer chemistry has been formed to work on this project for the U.S. Army, in order to develop unique vaccine delivery vehicles that can be employed to combat a wide variety of respiratory pathogens threatening our military personnel. Such strategies also can be effective in combating agro-terrorism by protecting animals from airborne diseases. The project addresses needs identified in the President's Interagency Research and Development priorities related to Homeland Security and National Defense. $4 million is provided in the bill for FY09. 38% of the funding will be used for equipment, 25% for personnel costs, and the remaining funding is for laboratory studies and the necessary materials and supplies.

Requesting Member: Congressman TOM LATHAM.

Bill Number: H.R. 2638, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009. Division C—Department of Defense Appropriations Act.

Account: Research, Development, Test And Evaluation, Army.

Project Name: Wireless Medical Monitoring System (WiMed).

Legal Name of Requesting Entity: Athena GTX.

Address of Requesting Entity: 3630 SW 61st Street, Suite 395. Des Moines, IA 50321.

Description of Request: This WiMed project has gained extensive support from both U.S. and foreign military services since 2006. The U.S. Army and the National Trauma Institute are planning comprehensive clinical trials evaluation in 2008 and 2009 across numerous Level 1 Trauma Centers with core funding using this system. The purpose of the project

is to greatly improve casualty care in combat situations, where medics are unable to effectively monitor injured soldiers' conditions. Current medical triage monitors and vital signs data tracking tools are complex, heavy, and have numerous wires with bulky connections. WiMed prototypes have successfully demonstrated a comprehensive leap ahead in critical care by linking all patient care within the same wireless systems and platforms already in service. The $1.6 million provided in FY09 funding will accelerate comprehensive clinical evaluations and speed deployment to the troops. Once placed with a patient, WiMed can be kept on patients throughout triage and subsequent care. The self-contained WiMed works with standard blood pressure cuffs and a simple highly mobile forehead stick-on sensor, integrating pulse oximetry, blood pressure, temperature, skin humidity, and electrocardiograms into a single unit. The patient's condition is also broadcast via Wi-Fi technology using common Windows-based software. 25% of the funding will be used for software and equipment upgrades, 20% for production design, 25% for certification testing, and the remaining 30% for manufacturing start-up.

Requesting Member: Congressman TOM LATHAM.

Bill Number: H.R. 2638, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009. Division C—Department of Defense Appropriations Act.

Account: Research, Development, Test And Evaluation, Defense-Wide.

Project Name: HyperAcute Vaccine Development.

Legal Name of Requesting Entity: BioProtection Systems Corporation.

Address of Requesting Entity: 2901 South Loop Drive, Suite 3360. Ames, IA 50010.

Description of Request: It is generally recognized and accepted by the Congress, the Administration and the Intelligence Community that Chemical/Biological attacks on The United States are not only possible, but likely. Although millions of dollars have been spent on Biological Defense over the past several years, only a handful of vaccines/medications have been developed to counter known threats. Unfortunately, most have proven to be weak and impractical to administer because they require multiple doses for protection or treatment. Importantly, these vaccines would not protect against genetically engineered biological weapons, which are relatively easy to produce. BioProtection Systems Corporation will utilize its HyperAcute technology to (1) enhance current vaccines, making them more effective and practical for use, (2) generate vaccines for known threats where a vaccine does not exist, and (3) develop a vaccine platform for unknown agents. FY09 funding will continue the development program for a HyperAcute vaccine candidate selected by the Department of Defense to satisfy existing military requirements. The $2.4 million appropriation funds the second year in a three-year development plan. 50% of the funding will be used to improve existing HyperAcute vaccine technology through BSL–4 level pre-clinical testing to meet FDA efficacy standards for biodefense vaccines. The remaining funding will be used to develop and text test new vaccines based on this technology.

Requesting Member: Congressman TOM LATHAM.

Bill Number: H.R. 2638, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009. Division C—Department of Defense Appropriations Act.

Account: Research, Development, Test And Evaluation, Defense-Wide. Project Name: Portable Rapid Bacterial Warfare Detection Unit.

Legal Name of Requesting Entity: Advanced Analytical Technologies, Inc.

Address of Requesting Entity: 2901 S. Loop Drive, Suite 3300, Ames, IA 50010.

Description of Request: Bacterial warfare agents present a real and immediate threat to our deployed troops. The introduction of a pathogenic contaminant into a military base water supply poses a catastrophic, yet highly preventable scenario. The project objective is to develop a fast, portable detection device to identify these contaminants and prevent or limit exposure. FY06 and FY07 project funding was used to establish a rapid and reliable method for detecting single bacterial cells. FY08 funding will be used to optimize and streamline the DNA profiling system used in the device. This funding will also be used to build a library that houses profiling sequences of target DNA that correlate to Biological Warfare (BW) agents such as anthrax. This will allow rapid identification of any threatening water contaminants. The BW organisms are classified as BSL–3 agents or higher and require manipulation in a certified containment facility like that at Aberdeen Proving Ground. FY09 funds will be used to re-engineer the system to a miniaturized, portable instrument better suited for field deployment. This system will be deployable and easy to operate, providing a tool for protecting our troops.

Requesting Member: Congressman TOM LATHAM.

Bill Number: H.R. 2638, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009. Division C—Department of Defense Appropriations Act.

Account: Research, Development, Test And Evaluation, Navy.

Project Name: Galfenol Energy Harvesting.

Legal Name of Requesting Entity: ETREMA Products, Inc.

Address of Requesting Entity: 2500 North Loop Drive. Ames, IA 50010.

Description of Request: The U.S. Navy has a goal of reducing the crew sizes of its various vessels. The chief strategy is the use of remote sensors to monitor areas normally covered by personnel standing watch. Remote sensors would communicate information to a central processing station using a wireless network and thereby avoid adding the weight and complexity of additional wiring. The challenge is that each of these sensors requires a battery to operate, which adds to the maintenance demand and cost. Galfenol, a new smart-materials technology being developed by the U.S. Navy and ETREMA Products of Ames beginning in FY08, has the potential ability to be the solution by generating electricity directly from energy produced by vibrations of a ship's hull during the course of normal operations. FY09 research and development funding will be used to advance the capability of Galfenol material fabrication and the design of small, efficient energy harvesting electronics that can harness the material's capability.

COMPREHENSIVE AMERICAN ENERGY SECURITY AND CONSUMER PROTECTION ACT

SPEECH OF

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, the Comprehensive American Energy Security and Consumer Protection Act increases regulation and continues to limit production of abundant American energy resources. This legislation follows the Majority's typical path of runaway spending, higher taxes, and more red tape for domestic energy production:

This legislation deepens our dependence on foreign oil by permanently banning production of 97 percent of the 10.5 billion barrels off the coast of California, and over 85 percent of American's energy resources.

It contains no revenue sharing provision, thus giving states a major disincentive to agree to off-shore drilling. It also prohibits drilling in areas where experts say most of the energy resources is known to be found.

H.R. 6899 imposes a massive tax increase of $17.7 billion over 10 years on companies engaged in domestic energy production. At this time of economic uncertainty, increasing taxes does nothing but threaten millions of American jobs. By raising costs on domestic production, consumers can expect the higher taxes to be passed down to them. This measure would limit efforts to expand American energy supplies, which ensures further dependence on Hugo Chavez and unstable Middle Eastern nations for their sources of oil.

I cannot support a bill that says no to clean coal, no to nuclear and no to new refineries.

Energy is the critical issue of our time, and this Democratic Congress refuses to let the House engage in and debate a real, meaningful energy bill that actually produces energy. We need a vigorous energy policy that relies on American resources for American energy while growing our economy and creating countless new jobs.

The American people expect and deserve better. This country needs a serious, aggressive, all-of-the-above energy plan that will lead us to energy independence, not a hoax of an energy bill.

COMPREHENSIVE AMERICAN ENERGY SECURITY AND CONSUMER PROTECTION ACT

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 6049, the Renewable Energy and Job Creation Tax Act of 2008. This legislation is a timely, necessary, and comprehensive approach to addressing our energy crisis. I support efforts to extend the expiring business tax provisions. Opponents of H.R. 6049 are concerned that the House Amendment to the Senate Amendment to this bill would permanently increase taxes

on businesses to pay for a temporary, one-year extension of expiring business tax provisions. I fail to see the merits of the opponent's contention and I believe that the benefits far outweigh any potential costs. Given the circumstances, the American economy is spiraling downward, energy prices are high, and unemployment is high, some kind of relief must be granted. To the extent that this body can grant some kind of relief, it is to be supported. I urge my colleagues to support this legislation. I am committed to working with industry actors to make sure that some balance is struck in the future.

The following are provisions that are widely supported by various interest groups:

Extension of Expired and Expiring Business Tax Provisions—Legislation is urgently needed to extend critically important provisions. A number of provisions—such as the R&D credit, the election to deduct state and local general sales tax, and the railroad track maintenance credit—already have expired. Others—such as the exception under subpart F for active financing income and the look-through treatment of payments between related controlled foreign corporations (CFCs) under the foreign personal holding company rules—expire at the end of this year.

Clean Energy Tax Incentives—The extension of the clean energy tax incentives. These incentives will go a long way toward the development of the renewable and alternative energy technologies essential to America's energy future. The Chamber believes it is critical to promote the responsible use of all energy sources. To reach this goal, government and business should support investment in new technologies that expand alternative energy and enable traditional sources of energy to be used more cleanly and efficiently.

Some business interests have concerns with revenue offset provisions included in the House Amendment to the Senate Amendment to H.R. 6049, including those related to:

Punitive Oil and Gas Taxes—Businesses claim that Congress must be mindful of the crosswinds hitting the American economy from the financial sector to the housing sectors. Many believe tax increases on the oil and gas industries are out of sync with an American economy showing great demand for increased domestic energy production, which could provide the opportunity for the energy industry to add a significant number of high-wage jobs. Many are concerned with provisions that would freeze the section 199 deduction for oil and gas companies. This change would discourage energy investment, resulting in the loss of jobs, a decrease in the supply of oil and gas, and an increase in the costs for businesses that rely on oil and gas.

Many businesses interest groups are also concerned with the proposed modification of the foreign tax credit rules for oil and gas companies, as this change would place domestic firms at a competitive disadvantage to foreign oil and gas manufacturers.

FUTA Surtax—Some businesses are concerned with the proposed extension of the FUTA surtax, which was added to the tax code in 1976 as a temporary measure and should have been allowed to expire long ago, having outlived the purposes and term that served as the rationale for its enactment.

Nonqualified Deferred Compensation—Some acknowledges that tax deferred plans used by offshore partnerships are created as part of complex legal agreements between managers and limited partners who are usually passive foreign investors. Foreign investors utilize these deferral arrangements to better align the interests of the manager with the investors. Altering these economic arrangements could cause these investments to migrate to other countries.

I will end, as I began. I believe that this bill is solid and makes great strides toward providing relief to the American people. I support this bill, and I am committed to working with industry and businesses to make sure that their concerns are heard and addressed.

I urge my colleagues to support this bill.

PAUL D. WELLSTONE MUSCULAR DYSTROPHY COMMUNITY ASSISTANCE, RESEARCH, AND EDUCATION AMENDMENTS OF 2008

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2008

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise today in strong support of H.R. 5265, the Paul D. Wellstone Muscular Dystrophy Community Assistance, Research and Education (MD–CARE) Amendments Act of 2008. This legislation is named in tribute to Minnesota Senator Paul Wellstone whose work on behalf of the vulnerable was well-known and well-respected.

Muscular dystrophy is a degenerative genetic disease which affects over 300,000 individuals in the United States. The original MD-Care Act authorization introduced by the late Senator Wellstone was signed into law in December 2001. This bill established six centers of excellence, created a Muscular Dystrophy Coordinating Committee (MDCC) to support research and education on muscular dystrophy, and expanded education programs for muscular dystrophy at the Centers for Disease Control and Prevention (CDC).

H.R. 5265 continues the momentum from the original legislation. This legislation officially names the Centers of Excellence the Paul D. Wellstone Muscular Dystrophy Cooperative Research Centers to honor Senator Wellstone's work. In addition, this bill ensures that data collection at the CDC is updated regularly, and that information is distributed to targeted audiences.

I urge my colleagues to join me in voting for this important bill.

NATIONAL DAY OF THE REPUBLIC OF CHINA (TAIWAN)

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. BILIRAKIS. Madam Speaker, October 10th marks the National Day of the Republic of China (Taiwan). Taiwan's transformation into a vibrant democracy has enabled its people to flourish economically and socially. Taiwan is now one of the world's leading economic powers and champions of human rights and the rule of law.

To help us celebrate the extraordinary accomplishments of our friends in Taiwan, I urge my colleagues to support Taiwan's latest request that the United Nations General Assembly allow Taiwan to participate meaningfully in the activities of United Nations specialized agencies. I know leaders in Taiwan have worked tirelessly for Taiwan's participation in the United Nations. Taiwan's participation in the international system is vital to the health and welfare of the people of Taiwan and will certainly encourage cross-strait dialogue and will promote a permanent peace in the Asia-Pacific region.

Madam Speaker, congratulations to the people of Taiwan, their president, Mr. Ma Ying-jeou, and their Washington representative: Ambassador Jason Yuan. Ambassador Jason is an experienced diplomat and we look forward to his participation in the ongoing friendship and alliance between our nations.

EARMARK DECLARATION

HON. DANIEL E. LUNGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. LUNGREN. Madam Speaker, I submit the following:

Department of Defense:

Feature Size Yield Enhancement DMEA's Advanced Reconfigurable Manufacturing for Semiconductors (ARMS) Foundry.

Funding will allow the ARMS fabrication technology to develop methods to produce microcircuits with increased functional density of components. ($2,000,000).

Technikon, LLC—Renewable Energy Testing Center.

The Renewable Energy Testing Center (RETC) objective is to provide the State of California and Department of Defense with an independent "Underwriters Laboratory" resource for evaluating the performance of renewable energy and renewable fuel production technologies. RETC will provide metrics on robustness, safety, energy efficiency, environmental effectiveness, and other key parameters of these technologies needed for successful commercialization. ($1,600,000)

Jadoo—Fuel Cell Power System—USSOCOM.

In order to expedite fielding of the IFS–24, Jadoo requests funding to progress the development of the IFS–24 to a TRL–8 and deliver 50 qualification units for field qualification testing by the US Armed Forces by December 2009. ($800,000)

American Burn Association—Military Burn Trauma Research Program.

The program is intended to foster collaboration between military and civilian burn surgeons and researchers and to identify best practices to ensure better treatment and outcomes for military burn patients, specifically improved clinical outcomes for combat burn casualties. ($4,000,000)

Department of Homeland Security:

Rio Vista Disaster Emergency Operations Center (EOC) Upgrade

The program is intended to provide phone lines, computer connections, and up to date audio-visual terminals in order to facilitate communication with regional, State and Federal entities in disaster emergencies. ($150,000)

INTRODUCTION OF THE GEORGES BANK PRESERVATION ACT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. MARKEY. Madam Speaker, I am introducing the Georges Bank Preservation Act today because America's most valuable fishery and one of the Nation's most important marine areas, Georges Bank, will be in the crosshairs of the oil and gas industry when the moratorium on offshore drilling expires October 1. Georges Bank is a fragile environmental region that is already recovering from other recent pressures like over-fishing. Allowing oil and gas drilling in Georges Bank could forever destroy this ecosystem and our nation's most important fishery.

This legislation would prohibit the Federal Government from issuing any lease authorizing exploration, development, or production of oil or natural gas in Georges Bank. Keeping protections against drilling in Georges Bank would affect less than 2 percent of Federal land on the outer Continental Shelf. The legislation would also protect any areas designated as marine national monuments or national marine sanctuaries, including the Gerry E. Studds Stellwagen Bank National Marine Sanctuary off the coast of Massachusetts. The language in the Georges Bank Preservation Act is identical to what was included in H.R. 6899, which has already passed the House in an overwhelming, bipartisan vote of 236–189.

The Northeast fishery landings are valued at approximately $800 million annually and Georges Bank is the key to the region. New Bedford, MA is by far the most productive fishing port in the United States, in terms of value of catch. Its $268 million catch in 2007 was nearly equal to the combined value of the catches of Dutch Harbor, AK and Kodiak Harbor, AK—the second and third most valuable fishing ports in the Nation. New Bedford has been number 1 for 8 straight years. Last year, commercial fishing brought nearly $350 million into Massachusetts alone.

There has been a moratorium on fishing in areas of Georges Bank for over a decade and we are seeing signs of recovery. If we were to allow oil drilling at this critical time in the recovery of Georges Bank, it would be disastrous to the full restoration of this critical marine habitat.

Canada—which has a claim to approximately one-fifth of Georges Bank—recognizes the region's importance and fragility and has a moratorium on drilling in the area through 2012. We need to send a signal to Canada that we too will keep in place the protections against drilling in this unique marine ecosystem.

Georges Bank is geologically and biologically unique. Warm and cold currents come together and circulate to help make the shallow water's depth, temperature, and nutrient content perfect for life. Georges Bank is home to more than 100 species of fish and shellfish, including cod, haddock, yellowtail flounder, herring, and sea scallops.

While I will continue to fight for a full extension of the moratorium on offshore drilling on the east and west coasts of the United States, I am introducing this bill today—along with my colleagues in the Massachusetts delegation, to highlight the vital importance of protecting the Georges Banks and other particularly sensitive offshore lands from the environmental hazards associated with oil and natural gas exploration and production.

We must not let Big Oil claim one of New England's most important economic and environmental treasures. The Georges Bank Preservation Act will prevent the oil and gas industry from invading America's most precious fishery and one of our Nation's most unique marine habitats.

HONORING CHARLES WILSON ANDREWS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Charles Wilson Andrews of Blue Springs, MO. Charles is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1205, and earning the most prestigious award of Eagle Scout.

Charles has been very active with his troop, participating in many scout activities. Over the many years Charles has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Charles Wilson Andrews for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

EARMARK DECLARATION

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. LoBIONDO. Madam Speaker, as per the requirements of the Republican Conference Rules on earmarks, I secured the following earmarks in H.R. 2638.

Requesting Member: Congressman FRANK LoBIONDO.

Bill Number: H.R. 2638.

Account: Air Force, Military Construction, Air National Guard.

Legal Name of Requesting Entity: 177th Fighter Wing.

Address of Requesting Entity: 400 Langley Road, Egg Harbor Township, NJ 08234.

Description of Request: Provide $8.4 million for the construction of Phase I of a two phase Operations and Training Facility for the 177th Fighter Wing at the Atlantic City International Airport in Egg Harbor Township, NJ. The facility will house key wing administrative functions to better enable the 177th to perform its Air Sovereignty Alert mission in defense of the homeland.

Requesting Member: Congressman FRANK LoBIONDO.

Bill Number: H.R. 2638.

Account: Army—Research, Development, Test, and Evaluation.

Legal Name of Requesting Entity: (1) Drexel University, (2) Waterfront Technology Center.

Address of Requesting Entity: (1) 3141 Chestnut Street, Philadelphia, PA 19104, (2) 200 Federal Street, Suite 300, Camden, NJ 08103.

Description of Request: Provide $3.2 million for Applied Communications and Information Networking (ACIN). ACIN enables the warfighter to rapidly deploy state-of-the-practice communications and networking technology for warfighting and National Security. This funding will build on funding from previous years to fully develop this technology.

Requesting Member: Congressman FRANK LoBIONDO.

Bill Number: H.R. 2638.

Account: Air Force—Research, Development, Test, and Evaluation.

Legal Name of Requesting Entity: Accenture.

Address of Requesting Entity: 200 Federal Street, Suite 300, Camden, NJ 08103.

Description of Request: Provide $1.6 million for Distributed Mission Interoperability Toolkit (DMIT). DMIT is a suite of tools that enables an enterprise architecture for on-demand, trusted, interoperability among and between mission-oriented C4I systems. This spending will build on funding from previous years to allow DMIT to be extended to Joint and coalition requirements, and address current weaknesses in Air Force management years ahead of current schedules. Adoption by major programs and commercial entities would lead to savings in the $100 millions on current and future DOD programs.

Requesting Member: Congressman FRANK LoBIONDO.

Bill Number: H.R. 2638.

Account: Army—Other Procurement.

Legal Name of Requesting Entity: L–3 Communications Corp.—East.

Address of Requesting Entity: 1 Federal Street, Camden, NJ 08103.

Description of Request: Provide $2.4 million for Battlefield Anti-Intrusion System (BAIS). BAIS is the U.S. Army's type standard tactical Unattended Ground Sensor (UGS) system for physical security/force protection. The system uses Seismic/Acoustic Sensors (SAS) to detect and classify potential threats for forward intelligence collection or perimeter self-protection. To date, 773 systems plus spares have been fielded representing less than 10% of the Army's Acquisition Objective, yet approved fielding requirements for small unit protection and perimeter security exceed 8,933 systems. This $6.0 million will provide 270 additional BAIS units to the Army.

Requesting Member: Congressman FRANK LoBIONDO.

Bill Number: H.R. 2638.

Account: Navy—Research, Development, Test, and Evaluation.

Legal Name of Requesting Entity: McGee Industries.

Address of Requesting Entity: 9 Crozenville Road, Aston, PA 19014–0425.

Description of Request: Provide $2.0 million for Improved Corrosion Protection for the ElectroMagnetic Aircraft Launch System (EMALS) for the CVN–21 class of carriers. The environment around aircraft carrier catapults is among the most corrosive (i.e. seawater spray, heat, deck contaminants) with which the Navy must contend. No reliable corrosion or fracture data exists for the new EMALS configuration and

the materials which will be used to construct it, in a catapult-like environment. This funding will continue the program from FY08 to develop design-specific corrosion data under simulated catapult conditions which needs to be continued in order to permit further design refinement, that will: (1) prevent premature component failures (2) minimize costly fleet maintenance and (3) enhance operational readiness.

Requesting Member: Congressman FRANK LOBIONDO.

Bill Number: H.R. 2638.

Account: FEMA State and Local Programs.

Legal Name of Requesting Entity: Atlantic County, New Jersey.

Address of Requesting Entity: 1333 Atlantic Avenue, Atlantic City, NJ 08401.

Description of Request: Provide $750,000 for Atlantic County, New Jersey's Consolidated Emergency Operation Center. The county will use the funding in combination with state, county, and local funding to consolidate the county's disparate emergency management centers into a single existing building which will be able to withstand wind storm and other natural hazards.

EARMARK DECLARATION

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. STEARNS. Madam Speaker, pursuant to the Republican Leadership standards, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding district funding requests as part of H.R. 2638, Consolidated Security, Disaster Assistance and Continuing Appropriations Act.

1. Florida Army National Guard, Regional Training Institute (RTI) Phase IV at Camp Blanding, FL (Department of Defense, Army National Guard).

This project is to complete construction of the RTI at the Camp Blanding Training Site, FL. The readiness of the Florida Army National Guard and Air National Guard in general will be affected if the school cannot adequately accomplish its mission to train soldiers. The student quota continues to grow with the need for new training requirements. The new campus will serve the full-time mission of the RTI. The completion of the new campus will allow the school to accept all projected students and to provide the support needed to run the regional school. The new campus will provide the school with the area required to adequately perform its essential mission. It will house, feed, teach, and train all students attending the institute; students are from all fifty states and territories. The school averages 800 students per cycle.

2. Research Support for Nanoscale Research Facility at the University of Florida (RDTE, Navy).

The State of Florida, at the University of Florida, has completed the $30M Nanoscale Research Facility to serve as a nexus of interdisciplinary research in nanoscience and technology development. This research facility will provide a scientific forum for research efforts among the Colleges of Engineering, Medicine, Liberal Arts and Sciences, Veterinary Medicine, Institute of Food and Agricultural Sciences, and the Particle Engineering Research Center.

3. Weapons Skills Trainer (OM, Army National Guard).

The Florida National Guard has been deeply involved in the Global War on terrorism. More than 8,000 of the 12,000 soldiers and airman in Florida have served on active duty since September 11th and the commitment will continue. Under new mobilization guidelines, soldiers and airman must be fully trained on individual weapons tasks before reporting to their mobilization stations. The Weapons Skills Trainer is a proven system that will increase readiness and substantially reduce training costs.

4. Accelerating Treatment for Trauma Wounds (RDTE, Army).

The Army's Medical Advanced Technology program supports applied research to develop materiel that improves survivability and assures better medical treatment outcomes for warfighters wounded in combat and military operations other than war. One area of emphasis is on the development of novel treatments to minimize tissue damage and accelerate restoration of function. The project goal is to evaluate doxycycline gel for its ability to accelerate healing of open wounds among injured U.S. Army soldiers at Walter Reed Army Medical Center when used in conjunction with other good-wound care practices.

5. Marion County Emergency Operations Center (FEMA, Department of Homeland Security).

Marion County needs to upgrade its current EOC facilities by adding approximately 27,000 sq. feet to the existing building. This will include a new 911 Dispatch Center and supporting office and technology space for the Sheriffs Office, EMS, County Fire Department, and City of Ocala Fire Department. The upgrade also includes a new room for the Marion County Emergency Operations Center along with office and technology space.

HONORING LYNNE AND PHIL HIMELSTEIN

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. BURTON of Indiana. Madam Speaker, I rise today to pay tribute to two exceptional people, who I am proud to call Hoosiers. Lynne and Phil Himelstein will be recognized for their years of dedicated service to both the people of Indiana and to the State of Israel at the annual Indiana-Israel Dinner on October 19, 2008—sponsored by the State of Israel Bonds/Development Corporation—which this year commemorates the 60th Anniversary of Israel's statehood.

Since 1951, the State of Israel Bonds Development Corporation has issued securities in the name of the government of Israel for the development of every aspect of Israel's economy. This has included Israel's roads, public transportation, power plants, agricultural expansion, water desalinization, and industrial growth. State of Israel Bonds Corp. has secured more than $28 billion in investment of capital, and maintained a perfect record on the payment of interest and principal on the securities it has issued over the years. From a small, fledging idea, the organization has grown into a powerful legacy of achievement. In fact it's probably fair to say that the State of Israel Bonds Corp. is the financial rock upon which the modern State of Israel is built.

This same kind of entrepreneurial spirit and commitment to community drives this year's honorees, Lynne and Phil Himelstein, who have individually and collectively made a huge impact in their community, both for Jewish and secular causes. Their efforts will leave a lasting legacy that will benefit both Indianapolis and Israel.

Lynne Himelstein was born in Beverly Hills, California, and decided to move her family back to her husband's home state of Indiana for a more Midwest value-oriented life. Immediately, Lynne became extremely active in the Indianapolis Jewish Community. After seven years of working as a Jewish day school teacher, Lynne was able to become a strong voice and leader to many of the communities' organizations. Since then, Lynne has served a term as President of AIPAC for Central Indiana, and is currently co-chair of Endowments for National Women's Philanthropy of the United States Jewish Community. Lynne has also served on the board of the Jewish Community Relations Council, the National Council of Jewish Women, the Jewish Community Center, and the Jewish Federation of Greater Indianapolis (JFGI). During her term with the JFGI, Lynne spearheaded the raising of millions of dollars as the campaign chair in both 2003 and 2004. Lynne also created an academic scholarship in her name that is awarded annually to one deserving Jewish individual.

Lynne's husband, Phil, is a Hoosier by birth. When Phil returned to Indiana in 1992 with Lynne—after seventeen years working for a prosperous law firm in Los Angeles—he became manager of Magic Menu Foods, a company that produced nutritional food products for the health care industry. Currently, Phil runs Hilan Capital, a private equity partnership that he co-founded in 1998. Phil is also the director of the Sage Group, an investment bank in Los Angeles; and a director of Brainscope Company, Inc., a neurodiagnostics company based in St. Louis and New York City.

Phil is as equally hard working outside of the boardroom; he currently serves as chairman of the Indiana Hemophilia and Thrombosis Center; one of the largest treatment centers in the country serving individuals with bleeding disorders. Phil is also a founder and trustee of University High School of Indiana, a diverse college preparatory school in Indianapolis with a college placement rate of 100 percent.

Madam Speaker, individually and together, the Himelstein's contributions to the United States, to the people of Indiana, Indiana's Jewish Community, and to the State of Israel represent the highest tradition of selfless public service, civic stewardship and commitment to others. Their praiseworthy efforts will be recognized at the Indiana-Israel Dinner of State on October 19th but I ask my colleagues to join me now to commend and congratulate Lynne and Phil for their outstanding achievements, and their lives of service.

TRIBUTE TO MR. GEORGE ARCURIO, JR.

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. MURTHA. Madam Speaker, I would like to take this opportunity to recognize the accomplishments of Mr. George Arcurio, Jr., ''Junior.'' Mr. Arcurio is a selfless human being who, over the last forty years has constantly put the best interests of others ahead of his own. He has been a valuable asset to the greater Johnstown, Pennsylvania community.

Madam Speaker, Mr. Arcurio worked hard during his long and varied career which included working in the Johnstown School District from 1952 through 1968. It was at this point that Mr. Arcurio became interested in politics.

Starting in 1969, Mr. Arcurio held elected and appointed positions including Johnstown City Councilman, Director of Public Works and the Police Commissioner in the City of Johnstown, Treasurer of Cambria County, Chief Investigator for the Cambria County District Attorney and finally as an Investigator for the Pennsylvania Auditor General's office from 1984 until his retirement.

As if work and politics weren't enough, Mr. Arcurio has also served since 1981 as the President of the Johnstown Oldtimer's Baseball Association which sponsors the All American Amateur Baseball Association's (AAABA) national tournament in Johnstown every August. Bringing some of the finest amateur baseball talent to Johnstown each year has been Mr. Arcurio's mission for nearly thirty years. Mr. Arcurio also served as President of the AAABA's national board from 1994–1995 and was inducted into their Hall of Fame in 1994.

Mr. Arcurio, ''Junior,'' has served on many commissions and boards over the last thirty years and has always worked to make the Johnstown area a better place to live. He remains active in the community and currently serves on the local airport authority.

Madam Speaker, Mr. George Arcurio, Jr. is truly a great and caring American. I wish to end my remarks by congratulating and thanking him for his service to the Johnstown community.

HONORING WILLIAM OLIVER CRAIG IV

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize William Oliver Craig, IV of Buckner, Missouri. William is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1221, and earning the most prestigious award of Eagle Scout.

William has been very active with his troop, participating in many scout activities. Over the many years William has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending William Oliver Craig, IV for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

INTRODUCTION OF THE HELPING THOSE WHO SERVE ACT

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Ms. MOORE of Wisconsin. Madam Speaker, I don't have to remind anyone about the serious need to address service and treatment gaps that our men and women in uniform are experiencing regarding Post Traumatic Stress Disorder.

My colleagues also know—either through efforts to help their own constituents who have served or from media reports—of the numerous barriers to access encountered by soldiers in need of services to deal with PTSD.

The RAND Corporation's Invisible Wounds of War report found that, despite the efforts of the Defense Department and Department of Veterans Affairs, a ''substantial unmet need for treatment of PTSD and major depression'' exists among our soldiers.

As many as 300,000 of the 1.64 million men and women who have served in Iraq or Afghanistan currently suffer from PTSD, depression, or other conditions.

The American Psychiatric Association reported this year that while 6 in 10 soldiers said their deployment in a war zone caused them to suffer from negative experiences associated with stress, only 10 percent had sought treatment, 60 percent said they avoided seeking help because they fear doing so would impact negatively on their career.

I am concerned that without continued active leadership and the willingness to try new approaches to meet escalating needs and make improvements to help our soldiers receive care when they need it, we will be committing a great disservice to the men and women of our Armed Services and their families. We would be, in effect, turning our backs on them.

The bill I am introducing today would attempt to attack a commonly identified barrier to seeking care for PTSD among members of our military: stigma. According to the Defense Department's Mental Health Task Force's July 2007 report, ''Evidence of stigma in the military is overwhelming.''

As a result, too many servicemembers are reluctant to seek counseling and other services for fear of negative career repercussions. Our soldiers are worried that seeking treatment for PTSD won't be confidential and will affect future job assignments and military-career advancement rather than focusing on getting help.

A number of experts have called on the Defense Department to consider changing its policies to ensure that there are no perceived or real adverse career consequences for those who may seek treatment.

Defense Secretary Gates recognized this problem earlier this summer when he made changes to the Department's security clearance process to ensure that the act of simply seeing a counselor does not become a black mark against those seeking a security clearance or advancing into a position in which such a clearance is needed.

As a result of this common sense move, military members and civilian defense employees will no longer have to identify that they received mental health services when they fill out security clearance forms, unless the treatment was court-ordered or involved violence.

While this is a welcomed step, the Defense Department can go further to help reduce perceived fears that seeking mental health treatment will negatively affect one's career.

It is time that DoD policies reflect the reality that receiving treatment is not itself a sign of dysfunction or poor job performance and may have no impact on a person's ability to do their job or deploy with their units.

My bill would require the DoD to go further to address other policies that intentionally or unintentionally promote fears that seeking health care will damage career prospects.

It would require DoD to set up a demonstration project at multiple sites to explore options to ensure members can have access to DoD-funded off-the-record, off-base counseling services which protect the confidentiality of those receiving treatment.

The bill would also establish a special working group, heading by the Assistant Secretary of Defense for Health Affairs, to review all current and relevant DoD policies regarding disclosure of mental health visits by service members whether on their military records or to commanders and to identify changes that would help protect member confidentiality.

It would also include an evaluation component to allow us to see whether these changes are effective in increasing access, increasing quality of care, and reducing stigma while not compromising the ability of military commanders to be aware of the deployablity of their soldiers.

The goal is simple: to promote early intervention and access to health care for those who, because of fears about how such visits are perceived by the military, would otherwise not seek care.

Increasing access to confidential treatment has the potential to increase the use of mental health services and to increase total-force readiness by encouraging individuals to seek needed health care before problems deteriorate to a critical level.

This demonstration project would help us to show, whether with the right policy flexibility, we can help to break down more of the institutional barriers that act to promote stigma. It leaves it up to the DoD to try and find that right balance within established guidelines.

Army Lt. Colonel Thomas Languirand, the head of the Army's efforts to combat rising suicide rates, recently noted in a fax to all of our offices that ''one key thing that will help soldiers seek the care they need is changing the stigma associated with seeking behavioral health care. It is critical for soldiers, family members, and Army civilians to know that seeking help during times of stress is a sign of strength, not weakness.''

We know that effective treatment is available, that soldiers are in need and the need is growing. This amendment simply attempts to try and remove barriers to care—while providing important safeguards—that have been identified.

Our military mental health care system must transform from one where ''If we build it, they

may come . . .'' or ''If we build it, they should come . . .'' to one where ''If we build it, our servicemembers feel welcomed.''

Madam Speaker, we need a system that makes members of our Armed Services feel welcomed and we can begin today by supporting this legislation. While providing important safeguards, this bill simply attempts to try and remove barriers to care that have been identified.

INTRODUCTION OF RESOLUTION HONORING ''GO FOR BROKE'' REGIMENTS WITH CONGRESSIONAL GOLD MEDAL

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. SCHIFF. Madam Speaker, I rise today to introduce legislation recognizing the Japanese-American 100th Infantry Battalion and 442d Regimental Combat Team, commonly known as the ''Go For Broke'' regiments, for their dedicated service to our nation during World War II.

These brave men served with pride, courage and conviction, waging a war on two fronts—abroad against a forceful and oppressive fascism, and at home against the intolerance of racial injustice. After the bombing of Pearl Harbor incited doubts about the loyalty of Japanese Americans, these brave men who enlisted to fight to protect our nation were faced with segregated training conditions, families and friends relocated to internment camps, and repeated questions about their combat abilities. At a time when they could have easily turned their backs on a country which had seemingly turned its back on them, these men chose the nobler, bolder, and more difficult route.

The ''Go For Broke'' regiments went on to earn several awards for their distinctive service in combat, including: 7 Presidential Unit Citations, 21 Medals of Honor, 52 Distinguished Service Crosses, 560 Silver Stars, 22 Legion of Merit Medals, 15 Soldier's Medals, and nearly 10,000 Purple Hearts, among numerous additional distinctions. For their size and length of service, the 100th Infantry Battalion and the 442d Regimental Combat Team were the most decorated U.S. military units of the war. However, these regiments have yet to be honored with a Congressional Gold Medal.

To answer the call of duty requires exceptional courage and sacrifice, but to respond with a vigor and persistence unaffected by those who sought to malign and impede their every achievement reveals an incredible spirit and admirable will. Please join me in honoring these courageous men by supporting the granting of a Congressional Gold Medal, collectively, to the U.S. Army's 100th Infantry Battalion and 442d Regimental Combat Team.

TRIBUTE TO BERNA DEAN NIERMAN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. SKELTON. Madam Speaker, during our time in Congress we all have benefitted from the efforts of our staffs. I certainly have been blessed with the services of wonderful people through my career. The standard in my office was set early in my professional life, before I came to Congress. The daughter of a friend became my assistant in private law practice and has been with me continuously since 1968. Berna Dean Nierman has been a true and faithful friend as well as a very competent and valuable employee through the years.

The first person invited to join my Congressional staff was Berna Dean. She opened the office in Sedalia, MO, and has managed it continuously since 1977. She has handled thousands of constituent problems. She has been responsible for overseeing the process for selecting appointees to the various military academies and she has had responsibility for helping arrange tours for constituents who are visiting the Capitol from Missouri's 4th District. She has handled countless phone calls on legislative issues and problems in government and has always been professional in her response always.

We have shared professional and personal triumphs and hardships. It has been a joy to watch her celebrate her marriage to Wayne Nierman and then to see the family grow as Christopher and Christine came along and developed into outstanding young adults in their own right. She was a friend and confidant to my late wife Susie. Her advice and counsel were always welcomed by her and I continue to benefit from her wise counsel.

Berna Dean was my first employee and set a very high standard for those who followed. Her character and work ethic, along with an engaging and warm personality, reflect the small town values instilled in her by her wonderful parents.

After 32 years of Congressional service and 40 years working with me, Berna Dean Nierman is retiring. She will be missed, but I know I am not losing a friend, but just changing the location where I can contact her. She and Wayne have my best wishes for many, many happy years together.

I ask the Congress to join me in thanking her for her outstanding service to the people of the Fourth Congressional District of Missouri and our country.

HONORING GRANT E. GEIGER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Grant E. Geiger of Missouri. Grant is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 180, and earning the most prestigious award of Eagle Scout.

Grant has been very active with his troop, participating in many scout activities. Over the many years Grant has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Grant E. Geiger for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

EARMARK DECLARATION

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. DAVIS of Virginia. Mr. Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 2638, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Included in H.R. 2638 is funding for the following projects and programs that I submitted:

1. $2,800,000 for Surface ASW in the Navy's Research, Development, Test & Evaluation account. The entity to receive funding for this project is DDL Omni Engineering, LLC at 8260 Greensboro Drive, Suite 600, McLean, VA 22102. The funding will be used for the Automated Readiness Measurement System (ARMS). ARMS is intended to provide commanders a real-time tactical decisionmaking tool with constant assessment of the mission readiness of personnel and units. The program will include the ability to analyze performance against Navy Mission Essential Tasks and will develop the readiness assessment to assist commanders in making tactical employment decisions. DDL Omni expects to expend any funds provided over a two year period in the development of ARMS within the Anti-Submarine Warfare Mission Area.

2. $2,000,000 for Airborne Mine Countermeasures in the Navy's Research, Development, Test & Evaluation account. The funding will be received by Progeny Systems at 9500 Innovation Drive, Manassas, VA 20110. The funding will be used for the Airborne Mine Countermeasures ''Open Architecture'' Technology Insertion. This funding continues a Small Business Innovation Research (SBIR) grant and will result in significantly improved mine countermeasures capabilities. Anti-ship mines are becoming the weapon of choice and are not only advancing in capability, but are being proliferated to a number of countries and terrorist groups who previously could not produce the weapons on their own. This poses a significant threat to U.S. forward deployed naval forces and battle groups as well as shipborne commercial commerce. To meet and keep pace with these threats, the Navy needs improved mine detection, classification, and neutralization capabilities that can be easily and quickly modernized.

3. $800,000 for Environmental Technology in the Army's Research, Development, Test & Evaluation account. The entity to receive funding for this project is Vanguard Research, Inc./EnerSol Technologies, Inc. at 1235 South Clark Street, Suite 501, Arlington, VA 22202. The funding will be used for the Plasma Energy Pyrolysis System (PEPS) Clean Fuels project. The PEPS system turns renewable resources such as biomass into gas in order to produce alternative transportation biofuels for the US Army. These funds will be spent over a one-year period to continue plasma torch testing.

4. $800,000 for Conventional Weapons Technology in the Air Force's Research, Development, Test & Evaluation account. The entity to receive funding for this project is Aerojet at 5731 Wellington Road, Gainesville,

VA 20155. The funding will be used for the High Speed Anti-radiation Demonstration (HSAD). The High Speed Anti-radiation Demonstration (HSAD) program aims to demonstrate the feasibility of using an existing Advanced Anti-Radiation Guided Missile (AARGM) to create an advanced weapon by replacing the traditional solid rocket motor propulsion with advanced air-breathing, hypersonic propulsion. Successful demonstration will give the Navy the opportunity to provide needed enhanced capabilities to the warfighter sooner. Funding for this project would be spent as follows: Navy Program Office: Systems engineering ($175K), Operational Analysis ($100K); Aerojet: Tactical missile component design development and analysis ($220K), Lightweight ramjet engine component testing ($2450K), Ramjet engine safety engineering and analysis ($155K); Raytheon: Guidance system conceptual design ($600K), Operational analysis ($150K).

PETE KUTRAS

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Ms. ZOE LOFGREN of California. Madam Speaker, I rise along with my colleague, Congressman MIKE HONDA, to honor County Executive Pete Kutras for his 39 years of public service and his well-earned retirement which will be effective November 1, 2008.

The Santa Clara County Board of Supervisors appointed Kutras to the top spot as county executive in August 2003, after he served as interim county executive for 4 months. He oversees the nearly 15,000 county employees in 29 departments and agencies. Santa Clara County with a population of about 1.8 million is the sixth largest of 58 California counties and the 17th largest of the more than 3,100 counties in the United States.

Kutras' extensive history in public service, most with the county of Santa Clara, and his knowledge of the organization and issues were major factors in the Board's decision to appoint him as the county's Chief Executive Officer. Kutras had occupied the number two spot of assistant county executive since July 1999. Prior to that appointment, Kutras held various positions with the county beginning in 1974, including the Directorships of Labor Relations, Personnel and Labor Relations, Employee Services Agency and Deputy County Executive.

Among the challenges that Kutras encountered during his 5 years at the helm, and the 2 years that preceded his appointment, has been continuously shrinking resources. Over that time period, each year the county confronted substantial budget deficits that resulted in $1.2 billion in budget solutions to retain services that are vital to vulnerable members of the community. Despite the financial challenges, the county's financial management acumen continues to earn top bond ratings.

Kutras enjoys the support and respect of peers and colleagues. Throughout his career, Pete has built coalitions and convinced disparate groups to work together for common solutions. He focused on public safety and introduced reforms in the Probation Department after voter approval of Measure A in 2004, which placed probation under the management of the county executive and oversight of the board of supervisors.

During the past few years, Kutras has focused the county organization on disaster preparedness and called for training, drills and readiness to respond to earthquakes and fires, and cold and hot weather emergencies to prevent needless deaths. In light of the recent fires experienced by the area, the results of Kutras' leadership are apparent. The organization has also demonstrated leadership and preparedness for public health threats such as pandemics.

Kutras previously served as an elected member of the Campbell Union High School District Board of Trustees and has also served as an appointed commissioner on the Moreland School District Personnel Commission. He is a past president of the California Public Employers Labor Relations Association and also served on the board of directors for the organization. Kutras also has been a member of the Personnel Commission for the city of Morgan Hill.

A Morgan Hill resident, Kutras holds a Bachelor of Arts Degree in Political Science, with a concentration in Public Administration, from San Jose State University. He served in the U.S. Army from 1967–71 with overseas duty in Vietnam and Ethiopia. He was awarded the Bronze Star Medal and the Army Commendation Medal, both for meritorious achievement.

As a veteran, Pete understands the debt our Nation owes to the men and women who have served in our armed services. He has always made sure that employees of the county who serve in the military receive all the assistance possible from the county as their employer. He also cares very much for the needs of veterans in Santa Clara County and is always eager to take steps to meet the needs of veterans.

On behalf of the thousands of Santa Clara County residents who have directly and indirectly benefitted from Mr. Kutras' leadership I thank him and wish him the best upon his retirement. On a personal note, I served as a member of the Santa Clara County Board of Supervisors for 14 years and know, firsthand, that Pete Kutras is a public servant with special talent and extraordinary ability. He has left county government a better place and his efforts have improved the lives of those in need who reside in the County of Santa Clara, I wish him well in his retirement and county government will miss his guidance and intelligence greatly.

RECOGNIZING THE JOSEPH BUNDRICK FAMILY AS THE OKALOOSA COUNTY, FLORIDA FARM FAMILY OF THE YEAR

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is an honor for me to rise today to extend congratulations to the Joseph Bundrick family for being selected as the Okaloosa County 2008 Outstanding Farm Family of the Year.

Joseph Bundrick and his family have been supporting agriculture and the production of food and fiber for years through their bee keeping business. Since 1982, Mr. Bundrick has been working with bees and helping their business grow. At the height of their bee keeping, the family managed almost 2,000 hives. As a testament to their hard work and subsequent success, in 1 year the Bundrick family produced 170 barrels of honey and were placing hives throughout the Northwest Florida area.

Every year, the North Florida Fair Association honors farm families in counties throughout North Florida that display leadership through farming techniques and agricultural production. The Farm Family of the Year award conveys the importance of farm families' contributions to some of society's largest needs including food, clothing, and building supplies. Recognition of their work, as conveyed by this award, encourages others in the community to become involved and support local agriculture.

On behalf of all residents of Northwest Florida, I hope this family tradition continues for many future generations.

EARMARK DECLARATION

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Ms. PRYCE of Ohio. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I (Congresswoman DEBORAH PRYCE) am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 2638, The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009:

(1) $800,000 DHP for the Neuroscience Clinical Gene Therapy Center requested by The Ohio State University Research Foundation, 1960 Kenny Rd, Columbus, OH 43210. The Neuroscience Clinical Gene Therapy Center will facilitate the progression and translation of gene therapy research from the laboratory bench into clinical trials for the treatment of human disease.

(2) $2,400,000 RDTE,AF for Development of Intelligent Manufacturing requested by The Ohio State University, 1971 Neil Ave Columbus, OH 43210. This program establishes a research and educational program for enhancing U.S. competitiveness in Intelligent Manufacturing. Intelligent Manufacturing creates a highly adaptable work force capable of producing highly specialized components and devices with a quick turn around time between projects.

(3) $1,600,000 DHP for the Comprehensive Clinical Phenotyping and Genetic Mapping for the Discovery of Autism Susceptibility Genes requested by Nationwide Children's Hospital Research Institute, 700 Children's Drive Columbus, Ohio 43205. This project is a second year of funding to continue and expand a comprehensive, multidisciplinary autism research program for military families stationed at Wright-Patterson Air Force Base and other central Ohio families.

COMPREHENSIVE AMERICAN ENERGY SECURITY AND CONSUMER PROTECTION ACT

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise today in strong support of the Comprehensive American Energy Security and Consumer Protection Act (H.R. 6899) and would like to commend Chairman RAHALL, Speaker PELOSI, and the Democratic leadership for their hard work on this important legislation.

America stands at a crossroads with regard to our country's energy security. In 2008, gasoline and home heating prices have risen to record levels, burdening middle class American families during already tough economic times. This Congress has a choice to make and America's families deserve action.

Congress can continue to follow the path of the past and increase our Nation's addiction on oil companies and foreign produced petroleum from countries like Saudi Arabia, Iraq, Venezuela, and Nigeria. Some voices now claim that the U.S. can achieve energy independence by exploiting all currently protected lands and coastal areas, allowing drilling wherever oil companies want to drill. Of course, since the U.S. consumes twenty-five percent of the world's oil and possesses less than 3 percent of global petroleum reserves, the ''drill, baby, drill'' rhetoric is both simplistic and simply false.

The American people need to know that government estimates state that if drilling was allowed in all restricted offshore sites and the Arctic National Wildlife Refuge (a policy I strongly oppose) it would pump only one million extra barrels of oil per day onto the global market by 2025, less than 1 percent of projected global output. For consumers this would translate into a 2 cent reduction in price in the year 2025. The ''drill, baby, drill'' crowd appears to be committed to advancing the interests of the oil companies while leaving the American people with a potentially miniscule price reduction seventeen years from now. Their proposal is not a policy solution, but rather a political gimmick.

There is another option, a plan to move America forward towards energy independence with a comprehensive energy policy that focuses on investments in renewable energy, energy efficiency, conservation, and maximizing the potential of existing fossil fuel sources with the necessary restrictions to protect the environment. Responsible drilling is a part of this plan as a transition to a clean energy future. I will continue to oppose any ''give aways'' that allow special advantages to oil companies to exploit the limited natural resources belonging to American taxpayers and limit the ability of American families to receive a fair price at the pump.

Today, oil companies have leases on 68 million acres of federal lands. Right now they have access to drill within 182 million acres of the Outer Continental Shelf (OCS) surrounding Alaska and the lower 48 states. This bill, H.R. 6899, requires that oil companies make use of these existing leases by commencing exploration on these lands or relinquish their leases. If more drilling is the goal of the petroleum industry, they currently have the legal authority to do it on 68 million acres of federal land and 182 million acres of the OCS. And, with oil companies profits projected at $160 billion for 2008, they have the money to do it without federal tax breaks or sweetheart deals at taxpayer expense.

House Democrats recognize that American families are seeking relief from high energy prices and a stabilizing of prices. For this reason this energy bill allows for the release of ten percent of the light crude from the Strategic Petroleum Reserve to increase domestic oil supply. In the short-term, allowing this oil onto the market will help to stabilize prices.

It is time to take America in a new direction, moving away from the Bush Administration's policy of dependency on foreign oil and toward bold investments in America's energy future. By repealing $19 billion dollars worth of unnecessary subsidies to oil companies and investing these funds in clean renewable energy, the Comprehensive American Energy Security Act will create of thousands of new American jobs, reduce America's dependence on foreign energy sources, and ensure responsible stewardship of our environment today and for generations to come.

Today, I reflect the views of my constituents by voting for a forward thinking, comprehensive energy policy. Passing the Comprehensive American Energy Security Act will be a big step towards energy independence and the creation of a green American economy.

I urge my colleagues to support the Comprehensive American Energy Security Act.

EARMARK DECLARATION

HON. MARY BONO MACK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mrs. BONO MACK. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2638, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009:

(1) Requesting Member: MARY BONO MACK.

Bill Number: H.R. 2638.

Account: Title III, Defense Procurement Agency (DPA) Account.

Entity Requesting: Surmet Precision Optics, 41618 Eastman Drive, Murrieta, CA 92562.

Description of Earmark: $4 million is provided for ALON and Spinel Optical Ceramics for transparent armor and for Infrared windows and domes. The availability of these components will impact such major defense acquisition programs as the Joint Common Missile (JCM), the Joint Strike Fighter (JSF) and the advanced side-winder AIM–9X missile. Government testing has shown ALON to be a premier transparent armor material.

Spending Plan: Project Expenditures—

Total Project Cost—$4,200,000 for FY 2009.

Surmet's matching share—$200,000 for FY 2009.

In addition to the above, Surmet has already invested or committed $943,171 of Company cost share funds toward the completed and ongoing efforts funded via FY 2006, 2007, and 2008 Defense Appropriations measures. Over the last five years, Surmet has invested $20 million of Company funds toward ALON and Spinel optical ceramics technology development.

(2) Requesting Member: MARY BONO MACK.

Bill Number: H.R. 2638.

Account: Air Force; Research, Development, Test and Evaluation (RDT&E).

Entity Requesting: Exotic Electro-Optics, Inc., 36570 Briggs Road, Murrieta, CA 92563.

Description of Earmark: $2,720,000 is provided for the purpose of initiating technology development to produce electromagnetic interference (EMI) grids for the Electro Optical Targeting System (EOTS) sensor window and to provide domestic sources for critical defense materials required for the production of the Joint Strike Fighter (JSF). Funding utilized can help to develop innovative manufacturing technologies that will result in high-throughput and cost-effective processing techniques for these important materials.

Spending Plan: Project Expenditures—

$414,800 for basic EMI grid deposition process optimization.

$272,000 for development of advanced EMI grid deposition processes.

$442,000 for development of advanced EMI grid materials and architectures.

$612,000 for development of grid metrology tools.

$775,200 for development of EMI grid design methods and tools.

$204,000 for EMI grid over-coating process optimization.

EARMARK DECLARATION

HON. RAY LaHOOD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. LAHOOD. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2638, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009:

STEM Education Research Center: $5 million will be used to create dedicated health sciences research laboratories.

Account: General Provision.

Requesting Entity: Bradley University, 1501 West Bradley Avenue, Peoria, IL 61625.

3D2 Advanced Battery Technology: $4 million will be used for continued research on graphite foam lead acid batteries. These lighter weight and higher energy-dense battery systems would be used in military vehicles. The porous and conductive nature of the 3D2 plate enables more efficient and deeper discharges coupled with faster and more reliable recharges.

Agency/Account: Research, Development, Test and Evaluation, Army; Combat Vehicle and Automotive Advanced Technology.

Requesting Entity: Firefly Energy, 5407 North University Street, Arbor Hall, Suite A, Peoria, IL 61614.

Pediatric Medication Administration Product and Training: $800,000 will be used to provide essential safe care technology and training for the proper medication administration by pediatric nurses at Walter Reed Medical Center and other Army hospitals, as well as in the field in Iraq and Afghanistan to guard against preventable adverse drug events.

Agency/Account: Defense Health Program; Procurement.

Requesting Entity: InformMed, 801 West Main Street, Peoria, IL 61606.

Advanced Trauma Training Course for the Illinois Army National Guard: $2.4 million will be used to continue to develop joint training opportunities for Rush University Medical Center, through the Department of Emergency Medicine, and the Illinois Army National Guard to address the issues of disaster preparedness. The Advanced Trauma Response training program is designed specifically to build medical readiness to respond to initial trauma in the field.

Agency/Account: Operation and Maintenance, Army National Guard; Administration and Servicewide Activities.

Requesting Entity: Rush University Medical Center, 1653 West Congress Parkway, Chicago, IL 60612.

Small Caliber Trace Charging Facilitization Program: $1.2 million will be used to maintain a flexible small caliber trace charging and bullet/cartridge assembly production line and have the manufacturing capabilities reside in North America to reduce delivery risk.

Agency/Account: Procurement of Ammunition, Army; Provision of Industrial Facilities.

Requesting Entity: General Dynamics, 6658 Route 148, Marion, IL 62959.

PGU–14 Army Piercing Incendiary, 30-mm Ammunition: $2.4 million will be used to procure 30-mm ammunition. The PGU–14 API has not been in production since the 1980s and the original prescribed shelf life was 15 years. Currently the United States Air Force recognizes that the PGU–14 API war stocks are in a critical status with the majority of the inventory unsafe for even emergency needs.

Agency/Account: Procurement of Ammunition, Air Force; Cartridges.

Requesting Entity: General Dynamics, 6658 Route 148, Marion, IL 62959.

25-mm High Explosive Air Burst Ammunition for Bradley Fighting Vehicles: $4.4 million will be used to develop much needed high explosive air burst 25-mm ammunition for Bradley Fighting Vehicles.

Agency/Account: Research, Development, Test and Evaluation, Army; Tank and Medium Caliber Ammunition.

Requesting Entity: General Dynamics, 6658 Route 148, Marion, IL 62959.

Scorpion Low Cost Helmet Mounted Cueing and Information Display System: $4 million will be used to develop a low-cost helmet mounted display and cueing system for the Air National Guard.

Agency/Account: Research, Development, Test and Evaluation, Air Force; A–10 Squadrons.

Requesting Entity: GENTEX, 1444 North Farnsworth Avenue, Suite 604, Aurora, IL 60505.

EARMARK DECLARATION

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. RAMSTAD. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I rise today to inform the House about earmarks that were included in H.R. 2638, The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009. Here is a brief description of my requests:

Humanetics Corporation, 10400 Viking Drive, Suite 1000, Eden Prairie, MN 55344—$800,000 from the DHP account, to the Humanetics Corporation for Pharmacological Countermeasures to Ionizing Radiation. This research project is in the final phases of a public/private effort to develop orally administered drugs that will prevent harm and decrease casualties caused by exposure to ionizing radiation resulting from a terrorist attack or nuclear incident.

Funding Plan: Development Items FY09—Single dose, dose escalation, safety study: $1,000,000; Pilot Study #1: $500,000; Pilot Study #2: $500,000; Pilot Study #3: $500,000; Safety Study in Humans at Highest Dose: $5,000,000; and Pivotal Study (IM): $2,000,000.

Minnesota National Guard, 20 West 12th Street, St. Paul, MN 55155—$2,000,000 from the OM account, to the Minnesota National Guard for their Minnesota Beyond Yellow Ribbon Reintegration Program. The program provides a comprehensive approach that insures deploying members and their families are prepared for the challenges for mobilization, receive access to support and resources during their mobilization and receive vital reintegration training.

Funding Plan—IDT Travel: $1,390,000; ITOs: $150,000; Materials: $60,000; Mil Orders: $50,000; Daycare: $5,000; Food: $65,000; and Contracts: $275,000.

Eaton Corporation 14615 Loan Oak Road, Eden Prairie, MN 55344: $2,000,000 from the RDTE account, to Eaton Corporation for their Advanced Digital Hydraulic Hybrid Drive System. This is a multi-phase program designed in collaboration with the U.S. Army NAC to develop a production-intent hybrid hydraulic tactical wheeled vehicle. Eaton has begun successful preliminary work on Phase I and the funds received will go to beginning Phase II.

Funding Plan:

20 percent—$400,000—Advanced component testing—Full Authority Pump Motor demonstration.

20 percent—$400,000—System Testing—Lab scale test for insertion of advanced technologies.

10 percent—$200,000—Materials—Full Authority Pump Motor & Next Generation Accumulators:

50 percent—$1,000,000—Labor—Design to develop a retrofit system, Next generation accumulators proof of concept, Develop detailed vehicle model, Develop supervisory control architecture, Develop preliminary controls software.

Third Wave Systems, 7900 West 78th Street, Eden Prairie, MN 55439—$800,000 from the RDTE account, to Third Wave Systems for their Advanced Modeling Technology for Large Structure Titanium Machining Initiative. The funding will complete the three year effort to develop the current titanium machining technology for structures and components of Manned Ground Vehicles.

Parallel finite element software development for Large Structures (FCS Manned Ground Vehicles)—$400,000.

Development and integration with tool path optimization software for large design models—$300,000.

Subscale production demonstration—$50,000.

Production validation (machining demonstration) on actual FCS components—$50,000.

LI-Identity Solutions, 5705 West Old Shakopee Road, Suite 100, Bloomington, MN 55437—$1,600,000 from the RDTE account to LI for Biometric Terrorist Watch-List Data Base Management Development. The Terrorist Watch-List will provide operational enhancements and technology improvements to biometrics-based identification tracking and analysis capabilities in order to ensure real-time actionable intelligence to the war fighter, as well as to the broader community combating terrorism.

Technical Capability #1: Interoperability of Enterprise Data Sharing—Develop system design: $225,000; Develop web-based applications & schema: $265,000; Develop architecture for data sharing: $250,000; and Develop proof of concept: $260,000.

Technical Capability #2: Enhancing Mobile Collection & Field ID Capabilities—Explore engineering trade space $65,000; Preliminary hardware design: $250,000; Software development: $225,000; Integration: $160,000; and Other Direct Costs: $300,000.

Technical Capability #3: Next Generation Algorithms for Face & Iris at a Distance: Algorithm research: $480,000; Software development: $200,000; Small form factor algorithm conversion research: $prototype development: $90,000; and Other Direct Costs: $30,000.

EARMARK DECLARATION

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. SULLIVAN. Madam Speaker, consistent with House Republican Leadership earmark standards, I am submitting the following earmark disclosures for publication in the CONGRESSIONAL RECORD.

Bill Number: H.R. 2638—Making appropriations for the Department of Homeland Security for fiscal year ending September 30, 2008.

Account: Research, Development Test and Evaluation, Navy.

Legal Name of Requesting Entity: GWACS Defense, Inc.

Address of Requesting Entity: 4500 South 129th East Avenue, Tulsa OK. 74163.

Description of Request: Provide an appropriations earmark of $2,000,000 for the Ground Warfare Acoustical Combat System of Netted Sensors. The entire project cost to complete is $19,200,000 with anticipated funding of $5,000,000 being raised privately by GWACS Defense, Inc. over the next two years. This request is consistent with the intended and authorized purpose of the Department of Defense, Research, Development Test and Evaluation, Navy account. The funding will be used by the Marine Corps Warfighting Lab to accelerate completion and purchase of a new small arms fire detection and location technology for force protection in Iraq and Afghanistan.

Bill Number: H.R. 2638—Making appropriations for the Department of Homeland Security for fiscal year ending September 30, 2008.

Account: Research, Development Test and Evaluation, Navy.

Legal Name of Requesting Entity: The Advanced Composites Group, Inc.

Address of Requesting Entity: 5350 S 129th E Avenue, Tulsa, OK, 74134.

Description of Request: Provide an appropriations earmark of $800,000 for the Lightweight Composite Structure Development for Aerospace Vehicles. The Advanced Composites Group, Tulsa is currently investing approximately $200,000 annually in R&D out of autoclave technology. This request is consistent with the intended and authorized purpose of the Department of Defense, Research, Development Test and Evaluation, Navy account. The funding will be used to develop composite structural prototypes for the CH–35K and other Navy designated aircraft.

Bill Number: H.R. 2638—Making appropriations for the Department of Homeland Security for fiscal year ending September 30, 2008.

Account: Research, Development Test and Evaluation, Navy.

Legal Name of Requesting Entity: L–3 Com Aeromet.

Address of Requesting Entity: 112 Beech Drive, Riverside Jones Airport, Tulsa, Oklahoma 74132.

Description of Request: Provide an appropriations earmark of $800,000 for the Airborne Infrared Surveillance (AIRS) System. This funding will be provided to the Missile Defense Agency (MDA) for its use in developing AIRS. This request is consistent with the intended and authorized purpose of the Department of Defense, Research, Development Test and Evaluation, Defense-Wide account. The funding will be used to develop a terrestrial based airborne infrared capability of medium range and long range missile threats to the United States and our allies.

RECOGNIZING HUSSON COLLEGE'S TRANSITION TO UNIVERSITY-STATUS

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. MICHAUD. Madam Speaker, I rise today to recognize an important Maine institution and a bold step it is taking into the future. On October 11th, Husson College will become Husson University, a transition that marks a significant point in this school's history and its continued and growing contributions to the region and the State of Maine.

Located in Bangor, Maine, Husson College has, for over 100 years, offered students an opportunity to develop the skills and the kind of innovative thinking that has allowed them to succeed. With over 20 academic disciplines, from degrees in business and psychology to certificates in paralegal work and boatbuilding—a skill of vital importance to Maine—Husson has offered the classroom and experiential learning resources our students and State need to compete.

With this transition, Husson will be able to expand upon their current program, continuing to improve their ability serve students from Maine, the rest of the country, and the world. I congratulate President William Beardsley for his steadfast stewardship of the University as it grows to meet these new opportunities for Husson and thank him for the tremendous graduates his institution is producing for our State and Nation.

The key to America's continuing competitiveness in this world is having citizens of exceptional skills, who can respond in innovative ways to the challenges America faces. Husson has always offered this kind of education, and will continue to do so well into the future.

IN SUPPORT OF PUBLIC HEALTH LEGISLATION

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Ms. SCHAKOWSKY. Madam Speaker, I rise today in support of a number of bipartisan public health bills to come before this body. These bills are the products of the Energy and Commerce Committee, where my colleagues and I are working hard to improve the overall health and well being of all Americans.

I am especially pleased that we will finally pass H.R. 1014, the Heart Disease Education, Analysis Research, and Treatment for Women Act, introduced by my friend Congresswoman LOIS CAPPS. Close to 40,000 people in Illinois die annually of heart disease and it is the leading cause of death in my state. More people in Illinois die of heart disease than from cancer, unintentional injuries, lung disease, pneumonia, the flu and diabetes combined. It is imperative that we start making connections between diseases and drugs, devices, and biologicals. We also need to continue to raise awareness about this disease and identify concrete ways to prevent women from becoming victims. The HEART Act starts us down that path.

I also want to highlight and express my support for H.R. 1532, the Comprehensive Tuberculosis Elimination Act. We know that TB kills approximately 2 million people annually and is a common cause of death among the roughly 3 million people infected with the AIDS virus who die each year. Although the United States has been able to reduce the incidence of the disease, we still must take an active role in eradicating TB nationally and internationally through increased funding for research, public education and treatment programs.

Similarly, it is time that we passed H.R. 758, the Breast Cancer and Environmental Research Act. I have cosponsored this critical legislation since coming to Congress in 1999, and I am thrilled to finally see it considered on the floor. Although we've made great strides in the areas of breast cancer research, treatment and outcomes, there are still over 43,000 women who die each year from the disease.

Finally, after debating this critical issue for many years, we are on the verge of finally enacting comprehensive mental health parity legislation. I have not held a health care meeting in my district without the issue of access to mental health care being brought up by constituents who have faced discrimination or difficulty obtaining affordable care. This was a top priority of Paul Wellstone, and I want to pay tribute to him today. Paul Wellstone, Paul and Sheila, his wife, were friends of mine. They were both leaders in ending discrimination and in making sure that every person in our nation has access to affordable, comprehensive health care—including comprehensive mental health and substance abuse services. I'm proud that we are continuing Senator Wellstone's legacy by passing a bill that guarantees equal access to mental health and substance abuse treatment. I also want to thank Representatives PATRICK KENNEDY and JIM RAMSTAD for their persistence and passion in passing the Paul Wellstone Mental Health and Addiction Equity Act.

It is hard to overstate the importance of increasing public health resources for research, public education and treatment. Our public health workforce is being stretched to its breaking point—and multiple natural disasters have only exacerbated the problem. I hope that we will continue our efforts to improve public health and meet this growing demand in the next Congress.

I urge all of my colleagues to strongly support these bills.

''REAL'' ACT

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. SHAYS. Madam Speaker, I believe a comprehensive approach to sex education that provides information about abstinence and contraceptives helps reduce unwanted pregnancy, abortion, and the contraction of sexually transmitted infections (STIs) and AIDS.

As our kids are learning about their health, and how their behavior affects it, it's important they have all the facts. The extraordinary number of teen pregnancies and growing rate of STI transmission among teens underscores the necessity of comprehensive sexual education. They need to be taught about both abstinence and contraception.

Congress has spent more than $1.5 billion on abstinence-only programs, which deny teenagers medically accurate, lifesaving information about birth control and STIs. My home State of Connecticut is one of 17 States that reject Title V Abstinence-Only-Until-Marriage Funding, because Connecticut recognizes what many of us already know: abstinence-only programs do not work. The way to protect our children is not to restrict information vital to their health.

I am grateful to have partnered with Congresswoman BARBARA LEE in introducing the Responsible Education About Life, or ''REAL'' Act, a bill that would authorize federal funds for States to offer comprehensive and medically accurate sex education in their schools. This legislation would provide funding for States to offer family life education, including education on abstinence and contraception, to prevent teenage pregnancy and STIs.

People all over the country are demanding comprehensive sex education to keep our youth healthy and safe. That is why I support organizations like Planned Parenthood and other Title X family health providers. These organizations sponsor grassroots events all around the country to raise awareness about the need for comprehensive sex education and I applaud their good work.

PERSONAL EXPLANATION

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. PUTNAM. Madam Speaker, on Tuesday, September 23, 2008, I was not present for two recorded votes. Had I been present, I would have voted the following way: Roll No. 626—''yea'' Roll No. 627—''yea.''

TRIBUTE TO MR. PATRICK M. GRACZYK

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. MURTHA. Madam Speaker, I rise today to commend Mr. Patrick M. Graczyk, Principal of Grandview Elementary School in Tarentum, Pennsylvania. Mr. Graczyk was recently honored by the National Association of Elementary School Principals as one of the recipients of the 2008 National Distinguished Principals Award. The award recognizes principals who establish high standards for character, teaching, and student accomplishment.

Mr. Graczyk was first nominated by his peers in Pennsylvania and then was chosen for the award by the NAESP Pennsylvania affiliate. In being chosen for the award, Mr. Graczyk has demonstrated his commitment to excellence, has implemented programs designed to meet the academic and social needs of all students, and has established firm ties with his community.

Mr. Graczyk works hard on behalf of the students, teachers, and families in his school district. He became principal of Grandview Elementary in 2002 and had previously taught for 5 years. During his tenure, the school has seen a rise in scoring on Pennsylvania's academic tests, including among students from low-income families. In addition to directly serving the needs of his school, Mr. Graczyk also helps to train novice teachers in addressing the needs of students from low-income families. Madam Speaker, Mr. Patrick M. Graczyk is truly deserving of the National Distinguished Principals Award and Pennsylvania is fortunate to have him among its fine educators.

RECOGNIZING THE DOUGLAS ODOM FAMILY AS THE SANTA ROSA COUNTY, FLORIDA FARM FAMILY OF THE YEAR

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is an honor for me to rise today to extend congratulations to the Douglas Odom family for being selected as the Santa Rosa County 2008 Outstanding Farm Family of the Year. Over four generations of involvement in agriculture has led this farm family to serve as a model of stewardship to society through a vitally important industry.

The Odom family is more than deserving of this year's award. Mr. Odom has been farming for 40 years and is a fourth generation farmer. He has passed on this invaluable knowledge to his children and grandchildren who help farm the 825 acres of cotton, peanuts, and wheat that make up the Odom's farm. The Odom family also owns and operates the Douglas Odom Flying Service which services crops in Northwest Florida and South Alabama. The company is one of the oldest and most active in the Southeast.

Every year, the North Florida Fair Association honors farm families in counties throughout North Florida that display leadership through farming techniques and agricultural production. The Farm Family of the Year award conveys the importance of farm families' contributions to some of society's largest needs including food, clothing, and building supplies. Recognition of their work, as conveyed by this award, encourages others in the community to become involved and support local agriculture.

On behalf of all residents of Northwest Florida, I hope this family tradition continues for many future generations.

EARMARK DECLARATION

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. PUTNAM. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 2638, Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Requesting Member: ADAM H. PUTNAM.

Bill Number: H.R. 2638.

Account: Research, Development, Test, and Evaluation, Army.

Legal Name of Requesting Entity: University of South Florida.

Address of Requesting Entity: 4202 E. Fowler Ave., Tampa, Florida 33620.

Description of Request: Provide an earmark of $2,500,000 to fund the Health Informatics Initiative. ''Health Informatics'' has been defined as a discipline that focuses on the use of information and information technology to support clinical care, health services administration, research and education. The University of South Florida (USF) has three graduate level schools that have been working together to develop a Health Informatics Initiative, including the College of Medicine, College of Nursing and College of Public Health. USF's inter-disciplinary efforts also include working with community organizations, including the James A. Haley Veterans Hospital and Tampa General Hospital, to provide the most advanced educational opportunities for both its medical, graduate and students and postdoctoral trainees.

This initiative is an extension of the research, education and patient care missions of these colleges at USF and their clinical affiliates. Funds for this initiative will be used to enhance collaborative development of the program, stimulate employment of research faculty and staff, and expand common areas of research interest in Health Informatics. These funds will also be used for research programs in Medical Imaging development; Software applications and database administration; Analyses of professional and consumer evaluations of current health informatics models; and Development of advanced training programs in Health Informatics.

EARMARK DECLARATION

HON. FRANK A. LOBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. LOBIONDO. Madam Speaker, as per the requirements of the Republican Conference Rules on earmarks, I secured the following earmarks in S. 3001.

Requesting Member: Congressman FRANK LOBIONDO (NJ–02)

Bill Number: S. 3001

Account: Air Force, Military Construction, Air National Guard

Legal Name of Requesting Entity: 177th Fighter Wing

Address of Requesting Entity: 400 Langley Road, Egg Harbor Township, NJ 08234

Description of Request: Provide an earmark of $8.4 million for the construction of Phase I of a two phase Operations and Training Facility for the 177th Fighter Wing at the Atlantic City International Airport in Egg Harbor Township, NJ. The Facility will house key wing administrative functions to better enable the l77th to perform its Air Sovereignty Alert mission in defense of the homeland.

Requesting Member: Congressman FRANK LOBIONDO (NJ–02)

Bill Number: S. 3001

Account: Army—Research, Development, Test, and Evaluation

Legal Name of Requesting Entity: (1) Drexel University; (2) Waterfront Technology Center

Address of Requesting Entity: (1) 3141 Chestnut Street, Philadelphia, PA 19104; (2) 200 Federal Street, Suite 300, Camden, NJ 08103

Description of Request: Provide an earmark of $4.0 million for Applied Communications and Information Networking (ACIN). ACIN enables the warfighter to rapidly deploy state-of-the-practice communications and networking technology for warfighting and National Security. This funding will build on funding from previous years to fully develop this technology.

Requesting Member: Congressman FRANK LOBIONDO (NJ–02)

Bill Number: S. 3001

Account: Navy—Research, Development, Test, and Evaluation

Legal Name of Requesting Entity: McGee Industries

Address of Requesting Entity: 9 Crozenville Road, Aston, PA 19014–0425

Description of Request: Provide an earmark of $3.0 million for Improved Corrosion Protection for the ElectroMagnetic Aircraft Launch System (EMALS) for the CVN–21 class of carriers. The environment around aircraft carrier catapults is among the most corrosive (i.e. seawater spray, heat, deck contaminants) with which the Navy must contend. No reliable corrosion or fracture data exists for the new EMALS configuration and the materials which will be use to construct it, in a catapult-like environment. This funding will continue the program from FY08 to develop design-specific

corrosion data under simulated catapult conditions needs to be continued in order to permit further design refinement, that will: (1) prevent premature component failures (2) minimize costly fleet maintenance and (3) enhance operational readiness.

Requesting Member: Congressman FRANK LOBIONDO (NJ–02)

Bill Number: S. 3001

Account: Navy—Operations and Maintenance

Legal Name of Requesting Entity: U.S. Naval Sea Cadet Corps

Address of Requesting Entity: 2300 Wilson Blvd. North Suite 200, Arlington, VA 22201

Description of Request: Provide an earmark of $300,000 for the Naval Sea Cadet Corps Operational Funding. The program is focused upon development of youth ages 11–17, serving almost 9,000 Sea Cadets managed by adult volunteers. It promotes interest and skill in seamanship and aviation and instills qualities that mold strong moral character in an anti-drug and anti-gang environment. Funds will be utilized to ''buy down'' the out-of-pocket expenses for training to $85/week. A significant percent of Cadets join the Armed Services often receiving accelerated advancement, or obtain commissions. The program has significance in assisting to promote the Navy and Coast Guard, particularly in those areas of the U.S. where these Services have little presence. Accessions related to this program are a significant asset to the Services: Over 2,000 ex-Sea Cadets enlist annually and an average of over 10 percent of Naval Academy Midshipmen are ex-Cadets.

Requesting Member: Congressman FRANK LOBIONDO (NJ–02)

Bill Number: S. 3001

Account: Air Force—Research, Development, Test, and Evaluation

Legal Name of Requesting Entity: Accenture

Address of Requesting Entity: 200 Federal Street, Suite 300, Camden, NJ 08103

Description of Request: Provide an earmark of $2.0 million for Distributed Mission Interoperability Toolkit (DMIT). DMIT is a suite of tools that enables an enterprise architecture for on-demand, trusted, interoperability among and between mission-oriented C4I systems. This spending will build on funding from previous years to allow DMIT to be extended to Joint and coalition requirements, and address current weaknesses in Air Force management years ahead of current schedules. Adoption by major programs and commercial entities would lead to savings in the $100 millions on current and future DOD programs.

Requesting Member: Congressman FRANK LOBIONDO (NJ–02)

Bill Number: S. 3001

Account: Army—Other Procurement

Legal Name of Requesting Entity: L–3 Communications Corp—East

Address of Requesting Entity: 1 Federal Street, Camden, NJ 08103

Description of Request: Provide an earmark of $3.0 million for Battlefield Anti-Intrusion System (BAIS). BAIS is the U.S. Army's type standard tactical Unattended Ground Sensor (UGS) system for physical security/force protection. The system uses Seismic/Acoustic Sensors (SAS) to detect and classify potential threats for forward intelligence collection or perimeter self-protection. To date, 773 systems plus spares have been fielded representing less than 10 percent of the Army's Acquisition Objective, yet approved fielding requirements for small unit protection and perimeter security exceed 8,933 systems. This $6.0 million will provide 270 additional BAIS units to the Army

EARMARK DECLARATION

HON. STEVE KING

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. KING of Iowa. Madam Speaker, I wish to make the following disclosure in accordance with the new Republican Earmark Transparency Standards requiring Members to place a statement in the CONGRESSIONAL RECORD for a bill that includes earmarks they have requested, describing how the funds will be spent and justifying the use of federal taxpayer funds.

Requesting Member: Congressman STEVE KING.

Bill Number: H.R. 2638, The Consolidated Security, Disaster Assitance, and Continuing Appropriations Act, 2009.

Account: Rdte, DW; 75 Cbdp 0603884Bp, Chemical And Biological Defense Program.

Legal Name of Requesting Entity: Hematech, Inc.

Address of Requesting Entity: 4401 South Technology Drive, Sioux Falls, SD 57106.

Description of Request: U.S. warfighters and civilians may potentially face numerous biological threats, including anthrax, requiring development of broad-based therapeutics with adequate long-term storage options. The military needs U.S. companies to produce large quantities of therapeutics as countermeasures for many different biological agents, such as bacteria, viruses and biotoxins. Accordingly, the $1.6 million allocated for Biological Threat Antibody Research will be used by the grantee, Hematech, Inc. of Sioux Falls, SD and its partner, Trans Ova Genetics, LLC of Sioux Center, Iowa for a project involving preclinical evaluation of a novel human anti-anthrax polyclonal therapeutic. Hematech has developed a novel system for production of high potency human polyclonal antibodies which can be used to develop therapeutics to address many biological threats including bacteria, viruses, toxins and, importantly, combinations of agents. The companies believe that this polyclonal production system could be broadly applicable for protecting soldiers and civilians against biological weapons. I am advised that various federal agencies have shown interest in Hematech's novel system and have provided ongoing partial support, technical assistance and expert guidance. I am further advised that their collaborations with agencies in both the DOD and HHS have been extraordinarily successful and the company is now prepared to move to the next level of product development. The funds will help the companies perform preclinical studies during Fiscal Year 2009, evaluating whether the human polyclonal production platform is functioning effectively and setting the stage for submissions to governmental authorities such as the Food and Drug Administration. The companies have already contributed several million dollars of their own resources to get this promising technology to this point and the requested DOD funds will permit the advanced development process to begin.

Requesting Member: Congressman STEVE KING.

Bill Number: H.R. 2638, The Consolidated Security, Disaster Assitance, and Continuing Appropriations Act, 2009.

Account: Op, A—Other Procurement, Army; 027—Navstar Global Positioning System (Space)

Legal Name of Requesting Entity: Rockwell Collins, Inc

Address of Requesting Entity: 400 Collins Rd, NE, Cedar Rapids, IA 52498

Description of Request: The Defense Advanced GPS Receiver (DAGR) is the most sophisticated and capable GPS receiver of its class in the world. Most importantly, in addition to enhanced anti jam capabilities, the DAGR also has a new Maps feature allowing the Warfighter to download and display Maps for improved battlefield situation awareness. There is an urgent need to deploy these totally new capabilities within Army to enhance the war fighter's support of the global war on terrorism. The DAGR's capability allows the user to display relative position (blue force versus red force) on the battlefield with other DAGR networked receivers. The basic need is for the U.S. war fighter to fully participate in military operations where orders, intelligence, and other combat information are distributed in digital form. In addition, a situational awareness capability will make the dismounted soldier a more lethal and survivable entity on the battlefield, and will make the entire force more proactive. Integrating all of these capabilities provides the below battalion level soldier with unprecedented tactical awareness and makes the war-fighter extremely proactive. Now that the DAGR is currently being fielded, there is no need for the DoD to purchase jamming susceptible commercial GPS receivers. In addition, the DAGR is fully backwards-compatible with the PLGR and is fully functional with existing vehicle or other platform Army critical interfaces. Also, the enhanced mapping feature functionality has been fully developed to interface with both DoD and commercial map databases including images viewing from satellites or other such images. In addition, to date over 180,000 DAGR units have been successfully delivered to the U.S. Army. However, additionally funding is needed to improve and develop a existing DAGR radio communication link software toward a situation awareness point solution for the war-fighter.

It is recognized that there is a need for more DAGRs to supplement the ones that our war fighters have in the field and also the need for situational awareness capability for the individual soldier in order to harness battlefield information and operate the radios and position/navigation system (DAGR), thereby enabling the soldier to be more efficient and effective in combat. The funding I requested added an additional $2 Million to the FY 09 budget request for this line, NAVSTAR GPS, for the procurement of an additional 1,200 DAGRs. With these funds, which provide for the additional number of fielded DAGRs, the war-fighter will get an unprecedented low-cost situational awareness solution that's greater than the sum of its parts at battalionand-below levels.

RECOGNIZING THE RETIREMENT OF MAYOR MARY ANN COURVILLE FROM THE DIXON CITY COUNCIL

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mrs. TAUSCHER. Madam Speaker, I rise to recognize Mayor Mary Anne Courville who faithfully served in the Dixon City Council since 1996.

Mary Ann Courville, mayor for the city of Dixon, has served the community as a member of the Dixon City Council for 12 years, from 1996 through 2008. She was elected as a Council member in 1996 and was immediately selected as vice mayor, serving as vice mayor from 1996 until 2000. In 2000, she was the first Dixon mayor directly elected by its citizens to serve a 4 year term. She was reelected as mayor in 2004.

During her leadership, first and foremost she insisted that the public be embraced and welcomed to participate in the deliberations and decision making process. She always patiently listened to their ideas and concerns and tried her best to make sure all viewpoints were considered. She has insisted that all who inquired were responded to, that they were provided access to documents and information critical to local governance, and were accorded the highest respect by the city's staff as well as appointed and elected decision makers.

Mayor Courville actively represented the citizens of Dixon and northern Solano County in the offices of our Federal and State leaders, regardless of political affiliation. She has been an active participant in numerous intergovernmental forums including: the Capital Corridor Joint Powers Authority, the Solano County Local Agency Formation Commission, Solano County Mayors' Conference, Solano Transportation Authority, Solano County Water Agency, and the Yolo-Solano Air Quality Management District. She championed local intergovernmental collaborative efforts including the Dixon-Solano Municipal Water Service, DSMWS, with the Solano Irrigation District, the Dixon Regional Watershed Drainage Joint Powers Authority with Maine Prairie Water District, the Dixon Resource Conservation District, and Reclamation District 2068. She has paid special attention to the needs of and opportunities to partner with other agencies serving the Dixon constituency such as the Dixon Library District, the 36th District Agricultural Association, Dixon May Fair, Dixon Family Services, and especially the Dixon Unified School District.

Her most notable collaborative effort was with the School District starting with joint meetings and modest physical improvement projects on and around school campuses. Her leadership efforts grew into multi-agency after-school enrichment programs, complex joint facility use agreements, and a jointly-funded COPS on campus program.

As a leader in the school bond campaign, and through development negotiations, the most spectacular accomplishment for Mayor Courville was the partnership with the School District in the development of the $75 million new Dixon High School campus. Championing joint planning, land acquisition, and infrastructure improvements to serve the new campus, she was pivotal in complex multi-party negotiations which crafted a partnership that resulted in development of the state of the art campus, a massive water production and storage facility to serve the growing southeast Dixon area, a much needed storm water detention basin, and a 400 unit neighborhood, including a dedicated site for the development of senior housing. Her efforts helped secure a classic ''win, win, win, win'' outcome highlighting the best in creative local governance.

Mayor Courville was instrumental in improving public safety in Dixon. During her tenure, the Dixon Fire Department staffing was increased two-fold, including the addition of paramedic services. A new fire station complex was completed and much needed new major equipment was secured. She also helped grow the Dixon Police Department and insure that new technology and a community policing philosophy was brought to the department.

As mayor, she also focused her efforts on strong fiscal management, overseeing balanced budgets year after year while expanding services and maintaining prudent reserves. She was instrumental in expanding infrastructure, promoting economic development, and attracting new housing. A special focus of hers has been to bring passenger rail to Dixon, a vision that inevitably will be realized thanks to her.

Mary Ann Courville has been an absolutely dedicated leader of and booster for Dixon for the last 12 years. She has touched so many lives through her efforts and has brought welcome change and improvement to local governance and our physical environment. She has made it possible for Dixon's citizens to sincerely love calling Dixon their home. Her leadership will be missed, but Mayor Mary Ann Courville's legacy will be evident for generations to come.

EARMARK DECLARATION

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. MORAN of Kansas. Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding an earmark I received as part of H.R. 2638, the Department of Homeland Security Appropriations Act, 2008.

Requesting Member: Congressman JERRY MORAN.

Bill Number: H.R. 2638.

Account: Military Construction/VA, Department of Defense, Air National Guard.

Legal Name of Requesting Entity: Kansas National Guard.

Address of Requesting Entity: 2800 Southwest Topeka Boulevard, Topeka, KS 66611.

Description of Request: Provide $7,000,000 to construct a Support Facility to house the air control office, the range control office, and other functions important to supporting the increasing missions at Smoky Hill Range.

Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding an earmark I received as part of H.R. 2638, the Department of Homeland Security Appropriations Act, 2008.

Requesting Member: Congressman JERRY MORAN.

Bill Number: H.R. 2638.

Account: Defense, Operation and Maintenance, Air National Guard, Operating Forces, Facilities Sustainment, Restoration & Modernization.

Legal Name of Requesting Entity: Kansas National Guard.

Address of Requesting Entity: 2800 Southwest Topeka Boulevard, Topeka, KS 66611.

Description of Request: Provide $1,600,000 for the following training capabilities and enhancements for Smoky Hill Range: convoy assembly area/UAV launch strip; a universal UAV control system; and a range water tower.

Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding an earmark I received as part of H.R. 2638, the Department of Homeland Security Appropriations Act, 2008.

Requesting Member: Congressman JERRY MORAN.

Bill Number: H.R. 2638.

Account: Defense, Operation and Maintenance, Air National Guard, Operating Forces, Facilities Sustainment, Restoration & Modernization.

Legal Name of Requesting Entity: Saline County, KS, Road and Bridge Department

Address of Requesting Entity: 3424 Airport Road, Salina, KS 67401.

Description of Request: Provide $1,600,000 for county road improvements to better allow the transportation of military personnel and equipment to Smoky Hill Range at Salina, KS.

Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding an earmark I received as part of H.R. 2638, the Department of Homeland Security Appropriations Act, 2008.

Requesting Member: Congressman JERRY MORAN.

Bill Number: H.R. 2638.

Account: Defense, Operation and Maintenance, Air National Guard, Operating Forces, Facilities Sustainment, Restoration & Modernization.

Legal Name of Requesting Entity: Kansas State University.

Address of Requesting Entity: 110 Anderson Hall, Manhattan, KS 66506

Description of Request: Provide $400,000 to establish the Unmanned Aerial Systems (UAS) Mission Planning and Operation Center at Kansas State University at Salina, KS to train Guard personnel in UAS mission planning, aircraft operation, and development.

EARMARK DECLARATION

HON. BOB INGLIS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. INGLIS. Madam Speaker, pursuant to the Republican leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of

H.R. 2638, The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Requesting Member: Congressman BOB INGLIS.

Bill Number: H.R. 2638, The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: Research, Development, Test & Evaluation, Army—Sensors and Electronic Survivability.

Legal Name of Requesting Entity: Gecko Energy Technologies, Inc.

Address of Requesting Entity: 1225 Laurel Street, Columbia, South Carolina 29201.

Description of Request: The purpose of the request is to provide $3,000,000 to research and create hydrogen batteries for the warfighter that would produce three to four times the energy as the best batteries in use today, resulting in battery weight reductions of 60–80 percent. Approximately $480,000 (16 percent) will go toward the R&D contract with the University of South Carolina; $900,000 (30 percent) to Gecko Energy Technologies Inc./MCEL Micro Power Design/Engineer prototype hydrogen battery; $360,000 (12 percent) to fabricate and test hydrogen battery; $390,000 (13 percent) for reliability testing; $150,000 (5 percent) to finalize design/engineer; $210,000 (7 percent) to tool and fabricate hydrogen batteries; $150,000 (5 percent) for test and evaluation; $150,000 (5 percent) for regulatory/logistics analysis; and $210,000 (7 percent) for program management.

The U.S. military has a critical need to reduce the weight and increase the run time of batteries used to power battlefield devices such as radios, Global Positioning Systems, night-vision goggles, remote sensors, surveillance equipment, and unmanned vehicles. Gecko Energy Technologies Inc. will become a part of the world-class fuel cell development community in South Carolina by locating at the university to leverage the tremendous assets of the NSF Center for Fuel Cell Research and the strong intellectual base at the university. Hydrogen battery products based on the revolutionary new passive planar Gecko PowerSkin™ fuel cell technology and highly energy dense Solid Stored Hydrogen on Demand fuel cartridges will be ruggedized to meet the needs of the military and demonstrated. Manufacturing capability for these products will be developed allowing rapid deployment and use by the military. The weight of the batteries carried by the warfighter will be reduced by 2/3, small unmanned aerial vehicles flight times will be 3 to 4 times longer, and unattended ground sensors will be capable of operating for months instead of days utilizing these revolutionary hydrogen batteries at mission costs which will be approximately 40 percent less than conventional batteries. This request is consistent with the intended and authorized purpose of the Research, Development, Test & Evaluation, Army—Sensors and Electronic Survivability Account. This project has received approximately $4 million in private investments as well as a decade of research by Millennium Cell and the University of South Carolina to make this warfighter tool a reality.

Requesting Member: Congressman BOB INGLIS.

Bill Number: H.R. 2638, The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: Research, Development, Testing & Evaluation, Air Force—Materials.

Legal Name of Requesting Entity: Cytec Carbon Fibers LLC.

Address of Requesting Entity: 7139 Augusta Road, Piedmont, South Carolina 29673.

Description of Request: The purpose of the request is to provide $2,400,000 to conduct research and development aimed at producing a domestic source of cost effective, high performance carbon fiber used to manufacture efficient manned and unmanned air and space vehicles for the military. Approximately $192,000 (8 percent) is to continue R&D for scale process optimization to ensure equivalent or superior product performance through modified polymer chemistry; $168,000 (7 percent) is to continue R&D for scale process optimization to ensure equivalent or superior product performance through carbon fiber surface science for improved property translation in composites; $192,000 (8 percent) to produce (pilot scale) and test 12k versions of phase I defined advanced PAN-based carbon fibers; $168,000 (7 percent) to establish testing protocol with Greenville and York Technical Colleges; $288,000 (12 percent) to generate meaningful preliminary composite data for use by target program managers; $96,000 (4 percent) to establish training parameters for manufacturing and use of high performance carbon fibers; $240,000 (10 percent) to begin scale-up of production/commercial capability; $288,000 (12 percent) to produce multiple production-scale carbon fiber lots of selected 12k versions of advanced fibers; $480,000 (20 percent) to initiate qualification/design allowable database test programs based on key military applications; and $288,000 (12 percent) for Air Force Research Laboratory project management. In an effort to reduce the Department of Defense's fossil fuel dependence, the DoD has recently given significant attention to lightweighting manned and unmanned ground and air vehicles through advanced materials, such as composite structures, which are currently only available from foreign suppliers. The military has demonstrated a need for access to a lower cost domestic source of new advanced carbon fibers and testing protocols. Cytec Carbon Fibers will provide a domestic solution and utilize its carbon fiber expertise to develop and manufacture high performance carbon fibers in its Greenville, SC plant to be used for military applications including J–UCAS, UCAR, Global Hawk, Predator, F–18 E/F, JSF and V–22 as well as missile and satellite components. The ultimate goal would be for Cytec to work with local technical colleges, such as Greenville and York Technical Colleges to establish a knowledge base on the manufacturing, testing, repair and efficient use of advanced composite materials. This request is consistent with the intended and authorized purpose of the Research, Development, Test & Evaluation, Air Force—Materials Account. Since 2006, Cytec Carbon Fibers has invested $7 million to upgrade its R&D facilities and pilot plant capabilities.

Requesting Member: Congressman BOB INGLIS.

Bill Number: H.R. 2638, The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: Research, Development, Testing & Evaluation, Army—Aviation Advanced Technology.

Legal Name of Requesting Entity: The Timken Company.

Address of Requesting Entity: 408 Industrial Park Road, Union, South Carolina 29379.

Description of Request: The purpose of the request is to provide $1,280,000 to develop an advanced gear material system for helicopter power transmissions. Approximately $512,000 (40 percent) will be used to undertake material treatments, characterize 10 material treatments through elemental testing, and down select 2 material treatments; and $768,000 (60 percent) will be used for material 1 gear testing, material 2 gear testing, and the final report.

All major commercial and military helicopter manufacturers share a common fundamental goal in requiring more power dense transmissions. The intent of the Power Dense Transmission project is to create base information for engineering analysis and product application decisions relative to helicopter transmission components. The end result will be a fully tested prototype which will be ready for integration into helicopter field applications. The Department of Defense wants to use this technology in various helicopter gear box applications. They are interested in gear systems that can reliably carry more power and torque for longer periods. This conclusion is supported by the U.S. Army's RDS21 program through Sikorsky, where bearing technologies that support improved transmission system performance have been evaluated. Current programs to enhance the performance of military rotorcraft platforms such as the Chinook, Apache and Blackhawk would benefit significantly from the availability of a demonstrated, high performance gear material system technology. Current development programs such as the V22, X2 and Joint Heavy Lift would be enhanced by improved transmission system capability. This is a technology repeatedly stated as needed by the Army. The Department of Army wants this technology and approached The Timken Company to develop it. This request is consistent with the intended and authorized purpose of the Research, Development, Test & Evaluation, Army—Aviation Advanced Technology Account. The Timken Company will be contributing a minimum of 50 percent cost share to the project through internal company funds.

EARMARK DECLARATION

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. GARRETT of New Jersey. Madam Speaker, pursuant to the Republican Conference guidelines, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding projects in my district that received funding per my request as part of the amendment to the Senate amendment to H.R. 2638.

1. Project Name—Landing Craft Composite Lift Fan.

Requesting Member—SCOTT GARRETT.

Bill Number—Amendment to H.R. 2638 (FY09 Defense Appropriations Bill)

Account—Department of Defense Appropriations, RDT&E, Navy, Line 35, Shipboard System Component Development, PE#0603513N.

Requesting Entity—Curtiss Wright Flow Control/Engineered Pump Division.

Entity Address—222 Cameron Drive, Suite 200, Phillipsburg, NJ 08865.

Description of the Project—Project supports design, development and manufacture of prototype composite material lift fans for application on current and next generation Navy landing craft vessels. This initiative addresses a persistent problem the Navy has been having with current generation metal lift fans, which are now replaced on average about every 2–4 months due to corrosion, wear and tear. Utilization of this composite material technology in current and future generation landing craft lift fans would result in maintenance savings and will increase the ship availability, critical in an ever-decreasing fleet budget.

Description of the Spending Plan—($1,000,000).

NON-RECURRING COSTS

Tooling	$190.5k
Engineering support	152.5k
Drawing support	305k
	648k

RECURRING (Costs directly associated with manufacture of articles)

Material	$211.3k
Manufacturing	104.7k
Inspections/Certifications	4,350k
Sustaining Engineering	31.65k
	352k
Project Funding Total:	
N–R	648k
R	352k
TOTAL	1,000,000

2. Project Name—Lightweight Munitions and Surveillance System (LMSS) for Unmanned Air & Ground Vehicles.

Requesting Member—SCOTT GARRETT.

Bill Number—Amendment to H.R. 2638 (FY09 Defense Appropriations Bill)

Account—Department of Defense Appropriations, RDT&E (Army); Line # 32; P.E. 0603004A—Weapons and Munitions, Advanced Technology.

Requesting Entity—Imperial Machine & Tool Co.

Entity Address—8 West Crisman Road, Columbia, NJ 07832.

Description of the Project—The ''Lightweight Munitions and Surveillance System (LMSS) for Unmanned Air & Ground Vehicles'' project is a continuation of an R&D initiative that began in FY07 to build an advanced technology multi-purpose (weapons/sensors) turret system for unmanned ground vehicles (UGVs). A new lift capability for the turret system is being designed that will extend upward to a height of 15 feet or more and allows for a variety of components (weapons/sensors) to be integrated into the UGV.

There are great benefits provided by UGVs in combat, and they need to be easy to use as well as widely functional to be truly effective for today's war fighter. Therefore, $2.8M should be added to RDT&E (Army), PE# 0603004A—Weapons and Munitions Advanced Technology, Line # 32, for the development, manufacture, test and demonstration of the advanced technology lift system for the ''Lightweight Munitions and Surveillance System (LMSS) for Unmanned Ground Vehicles'' multi-purpose turret system.

Description of Spending Plan—($2,800,000).

*Due to reductions in the final conference report released today, the budget will be altered to reflect that reduction.

(1) Equipment, Software	$144,900
(2) Milestone Deliverables	1,877,750
(3) Prototype Deliverables	844,550
(4) Provide staffing/training for Program (labor)	632,800
Total funding	3,500,000

3. Project Name—2kW MTG Diesel Generator Rapid Replenishment.

Requesting Member—SCOTT GARRETT.

Bill Number—Amendment to H.R. 2638 (FY09 Defense Appropriations Bill).

Account—Department of Defense Appropriations; Procurement (Marine Corps) P–1; Line # 43—Power Equipment Assorted; Budget Activity 06: Engineer and Other Equipment.

Requesting Entity—Dewey Electronics Corporation.

Entity Address—27 Muller Road, Oakland, NJ 07436, Bergen County.

Project Description—Current military doctrine, while emphasizing lighter forces and mobility, coupled with the Department of Defense's (DoD) ''one fuel forward'' policy of eliminating gasoline from the battlefield, requires a lightweight, man-portable, open frame, logistically supportable, diesel-powered tactical generator be available to forward deployed war fighters. Right now, the 2kW MTG diesel generator is the only lightweight, man-portable, logistically supportable, diesel generator reliable enough and rugged enough for use in the most demanding military applications. These generators have been made available for Marine Expeditionary Units deployed to Iraq and Afghanistan, and to date, the 2kW MTG has proven its worth and has become an important supplier of electrical power for Marine Expeditionary Units. The USMC needs additional funding to purchase new 2kW MTG diesel generators because it has used its existing generator sets extensively and, in many cases, beyond their service life. The expeditionary nature, ease of operation, reliability, and supportability of the 2kW MTG make them a ''must have'' for the Marine Corps' forward deployed unit.

Description of Spending Plan—($800,000).

In recognizing that the expeditionary nature, ease of operation, reliability, and supportability of the 2kW MTG make them invaluable to the Marine Corps' forward deployed units, and this money is needed in FY09 for Marine Corps Procurement; Line #43; Power Equipment Assorted only for the ''2kW MTG Diesel Generator Rapid Replenishment'' program. The entire $800,000 will be used to purchase 2kW Military Tactical Generators for immediate deployment to replenish forward Marine Corps units. Of the $800,000, 64 percent will be used for Materials and 36 percent for Labor.

4. Project Name—The Institute for the Advancement of Bloodless Medicine.

Requesting Member—SCOTT GARRETT.

Bill Number—Amendment to H.R. 2638 (FY09 Defense Appropriations Bill).

Account—Department of Defense Appropriations; RDTE, Army R–1 Line Number: 30 PE #: 0603002A.

Requesting Entity—Englewood Hospital and Medical Center.

Entity Address—350 Engle Street, Englewood, NJ 07631, Bergen County.

Project Description—The New Jersey Institute for the Advancement of Bloodless Medicine and Surgery (NJIABMS) at Englewood Hospital and Medical Center (EHMC) has begun to develop a project for teaching and consultation of bloodless medicine with $1.6 million from DOD to teach military doctors and nurses blood management techniques to support their clinical practice during wartime efforts. For more than a decade, The New Jersey Institute for the Advancement of Bloodless Medicine and Surgery (NJIABMS) at Englewood Hospital and Medical Center (EHMC) has been an international leader in performing even the most difficult surgery and complicated medical treatment while minimizing or eliminating the use of donor blood.

Description of Spending Plan—($1,600,000).

*Due to reductions in the final conference report released today, the budget will be altered to reflect that reduction.

Costs year 2: Development, 2 classes at 10 students.

	Costs per entity	No. units	Total
Entity 1: Program development.	393,000	1	393,000
Entity 2: Administrative costs.	1,185,000	1	1,185,000
Entity 3: Program-related costs.	42,000 per class	2	84,000
Entity 4: Student-related costs.	18,500 per student	20	370,000
Total:			$2,032,000

5. Project Name—Medical Error Reduction Initiative.

Requesting Member—SCOTT GARRETT.

Bill Number—Amendment to H.R. 2638 (FY09 Defense Appropriations Bill).

Account—RDT&E, Army, PE#:0603002A–R–1 Line Number: 32 ''Medical Advanced Technology.''

Requesting Entity—Valley Hospital.

Entity Address—The Valley Hospital, 223 North Dien Avenue, Ridgewood, NJ 07450–2736.

Project Description—Funding was provided for Valley Hospital's Medical Error Reduction Initiative. The project is a continuation of a successful multi-year partnership with the Department of Defense. This final stage will be a research study that will look at the common pressures facing both civilian and military health systems with implementing and integrating information technology.

Description of Spending Plan—($400,000).

The project is a continuation of a successful multi-year partnership with the Department of Defense. This final stage will be a research study that will look at the common pressures facing both civilian and military health systems with implementing and integrating information technology.

This federal funding will be applied as follows:

Personnel: $200,000 (Principal Investigator $100K; Study Coordinator $100K).

Hardware: $200,000.

6. Project Name:—M-Pact High Pressure Pure Air Generator System.

Member Name—Congressman SCOTT GARRETT.

Bill Number—Amendment to H.R. 2638 (FY09 Defense Appropriations Bill).

Account—Air Force RDT&E budget, PE# 0604329F, Line 65, Small Diameter Bomb (SDB).

Requesting Entity—Marotta Controls.

Entity Address—78 Boonton Ave., PO Box 427 Montville, NJ 07045.

Program Description—This program will improve the M–PACT HPPAG system reliability and maintainability characteristics through the integration of advancements in materials technologies across a broad range of extreme operating conditions including arctic cold start for the SDB program.

Description of Spending Plan—($1,600,000).

Program Management	$50,000
Engineering Labor Mechanical	250,000
Electrical	100,000
Software	100,000
Technician Support	100,000
Material	300,000
Sub Contract	300,000
Testing	400,000
Total Funding	1,600,000

EARMARK DECLARATION

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. ROGERS of Kentucky. Madam Speaker, pursuant to the Republican leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of the Amdt to H.R. 2638, Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009.

Requesting Member: Congressman HAROLD ROGERS.

Bill Number: Amdt to H.R. 2638.

Account: OM, A.

Legal Name of Requesting Entity: Outdoor Venture Corporation.

Address of Requesting Entity: 2280 S. Highway 1651, Stearns, KY 42647.

Description of Request: The funding of $3 million will be used to address U.S. Army modular command post tent needs.

Requesting Member: Congressman HAROLD ROGERS.

Bill Number: Amdt to H.R. 2638.

Account: OM, A.

Legal Name of Requesting Entity: Outdoor Venture Corporation.

Address of Requesting Entity: 2280 S. Highway 1651, Stearns, KY 42647.

Description of Request: The funding of $5 million will be used to address U.S. Army air-supported temper tent needs.

Requesting Member: Congressman HAROLD ROGERS.

Bill Number: Amdt to H.R. 2638.

Account: RDTE, A.

Legal Name of Requesting Entity: Progeny Systems Corporation.

Address of Requesting Entity: 445 South U.S. 27, Suite 201, Somerset, KY 42501.

Description of Request: The funding of $1.6 million will be used for a deployable remote monitoring system for the Army.

Requesting Member: Congressman HAROLD ROGERS.

Bill Number: Amdt to H.R. 2638.

Account: OM, A.

Legal Name of Requesting Entity: Phoenix Products, Inc.

Address of Requesting Entity: 106 Bethford Road, McKee, KY 40447.

Description of Request: The funding of $2 million will be used to retrofit U.S. Army UH–60 transmission drip pans.

Requesting Member: Congressman HAROLD ROGERS.

Bill Number: Amdt to H.R. 2638.

Account: DPA.

Legal Name of Requesting Entity: Aspen Compressor, LLC.

Address of Requesting Entity: 825 Chappell's Dairy Road, Somerset, KY 42503.

Description of Request: The funding of $1 million will be used to produce miniature compressors for electronics and personal cooling systems.

Pursuant to the Republican leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of Amdt to H.R. 2638: ''Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009''.

Requesting Member: Congressman HAROLD ROGERS.

Bill Number: Amdt to H.R. 2638: ''Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009''.

Account: S&T Research, Development, Acquisition, & Operations.

Legal Name of Requesting Entity: National Institute for Hometown Security, Community Based Infrastructure Protection Solutions, Kentucky.

Address of Requesting Entity: 610 Valley Oak Drive, Suite 1, Somerset, Kentucky 42503.

Description of Request: $11 million will be used to continue to provide leadership in discovering and developing community-based critical infrastructure protection solutions; facilitate commercialization; and encourage deployment. A regional consortium of universities will compete for critical research and development programs, as determined by the Department of Homeland Security.

Requesting Member: Congressman HAROLD ROGERS.

Bill Number: Amdt to H.R. 2638.

Account: RDTE, N.

Legal Name of Requesting Entity: Tier 3 Data and Web Services.

Address of Requesting Entity: 595 Highway 192 West, London, KY 40741.

Description of Request: The funding of $1 million will be used to develop an integrated product support data management system for the Navy Supply Systems Command (NAVSUP).

Requesting Member: Congressman HAROLD ROGERS.

Bill Number: Amdt to H.R. 263.

Account: RDTE, N (MC).

Legal Name of Requesting Entity: University of Kentucky Research Foundation.

Address of Requesting Entity: 103 Kinkead Hall, Lexington, KY 40506.

Description of Request: The funding of $2 million will be used for research and development of an Anti-Sniper Infrared Targeting System.

Requesting Member: Congressman HAROLD ROGERS.

Bill Number: Amdt to H.R. 2638.

Account: DRUGS.

Legal Name of Requesting Entity: Kentucky National Guard—Joint Support Operations.

Address of Requesting Entity: 5751 Briar Hill Road, Lexington, KY 40516.

Description of Request: The funding of $3.6 million will be used to support law enforcement in the eradication of marijuana through the use of Kentucky National Guard military equipment and personnel.

Requesting Member: Congressman HAROLD ROGERS.

Bill Number: Amdt to H.R. 2638.

Account: PA, A.

Legal Name of Requesting Entity: Ensign Bickford Aerospace and Defense Company.

Address of Requesting Entity: Highway 175, Graham, KY 42344.

Description of Request: The funding of $3.2 million will be used to address breaching kit needs by the U.S. Army.

Pursuant to the Republican leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of Amdt to H.R. 2638: ''Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009.''

Requesting Member: Congressman HAROLD ROGERS.

Bill Number: Amdt to H.R. 2638: ''Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009.''

Account: FEMA M&A, Flood Control & Hazard Mitigation Demonstration Program, Commonwealth of Kentucky.

Legal Name of Requesting Entity: Commonwealth of Kentucky, Division of Emergency Management.

Address of Requesting Entity: 100 Minuteman Parkway, Frankfort, KY 40601.

Description of Request: As specified in the House Report to accompany H.R. 6947, this funding will allow FEMA to develop a $2,425,000 demonstration program and work with federal, state, and local emergency management and flood damage reduction shareholders toward reducing long-standing hazards in southern and eastern Kentucky. Funds are provided to demonstrate a wide range of project solutions across FEMA's multiple disaster preparedness and mitigation programs, including: retrofitting and hardening of existing flood walls and levees; pump refurbishment; land acquisition; transportation infrastructure modifications; and other flood damage reduction projects within this watershed.

EARMARK DECLARATION

HON. TIMOTHY WALBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. WALBERG. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of the Amendment to the Senate Amendment to H.R. 2638, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Each project listed below:

H.R. 2638, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

September 24, 2008.

Name of Project and Amount: Cold Weather Layering System (CWLS)—$2.4 million

Bill Number: H.R. 2638.

Account Information: Navy, O&M, MC Operation and Maintenance, MARINE CORPS.

Legal Name and Address of Receiving Entity: Peckham Industries, 2822 North Martin Luther King Jr. Boulevard, Lansing, Michigan 48906.

Project Description: The CWLS is part of the Marine Corps' Mountain and Cold Weather Clothing and Equipment Program, which provides lightweight, durable combat clothing that allows Marines to operate in all kinds of cold

weather environments. It is the intent of the Commandant of the Marine Corps to provide warfighters with a ''capability set'' of clothing to facilitate expeditionary operations in mountainous and cold weather environments. The goal is for the CWLS to reduce the weight and volume that a Marine operating as dismounted infantry must carry to accomplish combat missions in those conditions.

Project Budget:	
Cost of Garments Per System (for Peckham/Polartec layer of system ONLY)	$137.07
Test and build approximately 17,500 total systems	2,400,000
Garment Production	1,200,000
Materials	960,000
Quality Control/Fielding	240,000
Total	2,400,000

The Cold Weather Layering System includes:

—1 Polartec Windpro MARPAT Jacket.

—1 Polartec Stretch Windpro Hat.

—1 Set of Polartec PowerDry Silkweight underwear top and pants.

—1 Set of Polartec PowerDry Grid long underwear top and pants.

H.R. 2638, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

September 24, 2008.

Name of Project and Amount: Advanced Drivetrains for Enhanced Mobility and Safety—$1.6 million.

Bill Number: H.R. 2638.

Account Information: Army, RDTE, Research, Development, Test and Evaluation.

Legal Name and Address of Receiving Entity: Eaton Automotive, 19218 B Drive South, Marshall, MI 49068.

Project Description: This request is for funding for the final phase of an on-going three phase program between Eaton and the U.S. Army. Eaton has successfully worked with the Army for the past two years to develop specialized torque-modifying differentials for the HMMWV to improve the vehicle safety. The Phase I and II work was structured to first adapt commercial Eaton side-to-side torque modifying differentials to HMMWVs. These programs have proven very successful in quantitatively demonstrating improved vehicle safety. Prototype systems will be delivered to the Army for additional testing in May 2008. Military-hardened side-to-side systems will be subsequently developed and delivered in 2009. This Phase III funding request is for a center coupler to provide full active 4x4 torque management to military vehicles.

Project Budget:	
Model hardware function and vehicle maneuvers	15%—$240,000
Materials—modifications to transfer case and addition of differential	25%—$400,000
Preliminary Bench test and vehicle functional tests	10%—$160,000
Labor—Design/procure hardware, develop preliminary controls software	50%—$800,000
Total	$1,600,000

H.R. 2638, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

September 24, 2008.

Name of Project and Amount: Multi Climate Protection System (MCPS)—$2.0 million.

Bill Number: H.R. 2638.

Account Information: Navy, OP, OTHER PROCUREMENT.

Legal Name and Address of Receiving Entity: Peckham Industries, 2822 North Martin Luther King Jr. Boulevard, Lansing, Michigan 48906.

Project Description: The Chief of Naval Operations' FY 2000 Aircrew Systems Operational Advisory Group identified that Naval and Marine Corps aircrew personnel need an improved protective clothing system. Until the MCPS was developed and introduced in FY 2004, aircrew garments in the Navy and Marine Corps predominantly contained textiles and designs consistent with 1970's technology. Advancements in protective fibers and garments were introduced to meet the demands on aircrews by providing moisture management, heating and cooling performance in passive and active layers and comfort via modular components.

Project Budget:	
Cost per System	$1,705.92
Test and field approximately 1,172 total systems	2,000,000
Garment Production	860,000
Materials	1,040,000
Quality Control/Fielding	100,000
Total	2,000,000

The Multi Climate Protection System includes:

—1 Goretex parka and 1 trouser.

—1 Polartec Windpro FR with Nomex Jacket and 1 Vest.

—1 Polartec Thermal FR with Nomex shirt, 1 overalls and 1 pants.

—1 Polartec Powerstretch FR with Nomex shirt and 1 pants.

—1 Polartec Windpro FR with Nomex face mask.

H.R. 2638, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

September 24, 2008.

Name of Project and Amount: Ultra Light Weight Transmission for FCS—$1.6 million.

Bill Number: H.R. 2638.

Account Information: Army; RDTE, A Research, Development, Test and Evaluation.

Legal Name and Address of Receiving Entity: Hybra-Drive Systems, 420 Carey Street, P.O. Box 355, Deerfield, MI 49238.

Project Description: This request from Hybra-Drive Systems project seeks to complete the 9–month development and 6 month DoD initial testing of the next generation HDS-Ultra Light Weight Transmission. The new Ultra Light Weight Transmission-Version 2 (ULWT2), is based on input from TARDEC, and will enable HDS to achieve a product Technology Readiness Level of 6.0. These improvements include the required military refinement of the transmission control system, and the addition of engine-off capabilities.

Project Budget:	
Control System Design	$313,000
System Module Repackaging Accumulator/Reservoir	119,000
Packaging	48,000
Four Wheel Drive	200,000
Installation of the HDS–ULWT2	98,000
System Test (Dynamometer)	155,000
System Test (On Road)	164,000
Delivery & DoD Testing	503,000
Total	1,600,000

H.R. 2638, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

September 24, 2008.

Name of Project and Amount: Total Perimeter Surveillance—$1.0 million Bill Number: H.R. 2638.

Account Information: Defense; RDTE, DW Research, Development, Test and Evaluation, Defense-Wide.

Legal Name and Address of Receiving Entity: Dexter Research Center, Inc., 7300 Huron River Drive, Dexter, Michigan 48130.

Project Description: There are over 200 key DoD facilities in the U.S. alone which currently lack perimeter monitoring capabilities for the presence of chemical and biological weapons (and remains an unfunded DoD priority as CBRN Soldier Protection). Passive infrared spectroscopy is the standard, proven technique for identifying chemical threats at a distance. However, FTIR-based systems are too bulky, complex and maintenance intensive and lack performance when sensing threats released close to the horizon. What is needed is a networked array of unattended passive/near-passive infrared sensor-based spectrometers to give 360 degree coverage of a facility, which can meet the necessary sensitivity, reliability and ROI targets, provides promise of filling this critical need.

Project Budget:	
Subcontracting	$640,000
Labor	320,000
Direct Materials	30,000
Travel	10,000
Total	1,000,000

H.R. 2638, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

September 24, 2008.

Name of Project and Amount: High-Pressure Mobile Water Delivery System—$800,000.

Bill Number: H.R. 2638.

Account Information: Defense; RDTE, DW Research, Development, Test and Evaluation, Defense-Wide.

Legal Name and Address of Receiving Entity: Wolverine Water Systems, Inc. is located at P.O. Box 489 Dexter, MI 48130.

Project Description: This project is for the engineering integration and prototyping of the High pressure Mobile water Delivery System. The system is track and wheel mounted. It is a remotely operated system which delivers water at 150 p.s.i. for up to 1500 gals per minute. This system has several applications in the military and civil sector to include convoy firefighting support; crowd control; less than lethal border/crossing protection; firefighting capabilities on carriers, airfields, and forest fires; dust control; and many other functions. The system comes in 13 different models that can be ''mixed and matched'' to meet several applications. This is the most effective and efficient water application on earth. It has 218 innovations and strengths. This can be effective over all services for the various functions.

Project Budget:	
Materials and Components	$500,000
Equipment, Construction, Labor	150,000
Engineering	150,000
Total	800,000

H.R. 2638, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

September 24, 2008.

Name of Project and Amount: National Guard Youth Challenge Program—$20,000,000 increase.

Bill Number: H.R. 2638.

Account Information: Defense, O&M, Operation and Maintenance, Budget Activity 4:

Admin & Servicewide Activities, Civil Military Program, Defense Wide.

Legal Name and Address of Receiving Entity: Michigan National Guard, 3411 North Martin Luther King Boulevard, Lansing, MI 48906.

Project Description: The National Guard Youth ChalleNGe Program (10 U.S.C. 509) is managed by the Assistant Secretary of Defense, Reserve Affairs and administered by the National Guard Bureau. The program is a community based program that leads, trains, and mentors at-risk youth so they may become productive, employed, and law-abiding citizens in America's future. This award-winning program has been recognized as one of the Nation's most effective and cost efficient programs for targeting youth who are at the greatest risk for substance abuse, teen pregnancy, delinquency, and involvement in criminal activities. The program currently operates at 35 program sites in 28 states and the territory of Puerto Rico and has graduated over 77,000 corpsmembers of which an average of 18 percent entered the military.

Project Budget:	
Total	$20,000,000 increase

EARMARK DECLARATION

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. TIAHRT. Madam Speaker, in accordance with the February 2008 New Republican Earmark Standards Guidance, I submit the following in regards to the Fiscal Year 2009 Department of Defense Appropriations Act found in H.R. 2638:

LIFE SUPPORT RADIO TEST SETS FOR THE AIR NATIONAL GUARD

The Department of Defense Appropriations Act, 2009, H.R. 2638, contains $1,000,000 for Life Support Radio Test Sets for the Air National Guard in the Air Force, Other Procurement Account. The entity to receive funding for this project is Aeroflex at 10200 West York Road, Wichita, KS 67215–8999.

The funds will ensure the functionality of the survival radio equipment used by Air National Guard aircrew. The money will be used to allow each squadron to purchase enough test systems so that they can fulfill their requirement to be available for use in multiple locations at one time. Unfortunately, insufficient numbers of test sets have been fielded to address these issues, leading to maintenance backlogs and also to unfamiliarity with the test set equipment and its procedures on the part of field maintenance personnel. The cost of each Life Support Radio Test Set is $52,936. The anticipated source of funding for the duration of the project is funding from the government, since the customer is the Air Force.

No matching funds are required for this Department of Defense project.

RADIO PERSONALITY MODULES FOR SINCGARS TEST SETS

The Department of Defense Appropriations Act, 2009, H.R. 2638, contains $2,400,000 for Radio Personality Modules for SINCGARS Test Sets in the Army, Other Procurement Account. The entity to receive funding for this project is Aeroflex at 10200 West York Road, Wichita, KS 67215–8999.

The funds will fund Radio Personality Modules for SINCGARS Test Sets which capitalize upon existing radio test sets by making them up to 10 times more capable than they were before. Presently, the GRM–122 test set diagnoses only one type of radio—the SINCGARS. After the proposed upgrade, the very same tester will be able to test multiple radios in common use, including: UHF radios, VHF radios, high frequency radios, intercoms, survival vest radios, and four different types of navigation radios installed in aircraft on the flight line. This efficient program saves both time and money. Time, because the technician performing the test will have the entire test suite he requires at his immediate disposal on the flight line; and money because the Aviation Intermediate Maintenance locations equipped with Radio Personality Modules for SINCGARS Test Sets will not need to acquire nor carry entire test suites of disparate equipments. The total cost of this program is $6,670,000; $2,000,000 was marked in FY 2008. If it is not fully funded, there will be an additional request for the remaining amount to fund this requirement from the Army in FY 2010. This program is funded by plus ups from Congress, the Army and the POM (Program Objective Memorandum) from DoD. The cost of each test suite is $157,946—there is a need for about 80 test sets in all. In FY '08, $2 million was appropriated, allowing the Army to purchase about 12 units. The anticipated source of funding for the duration of the project is funding from the government; the customer is the U.S. Army.

No matching funds are required for this Department of Defense project.

DIRECTED ENERGY SYSTEMS FOR UAV PAYLOADS

The Department of Defense Appropriations Act, 2009, H.R. 2638, contains $800,000 for Directed Energy Systems for UAV Payloads in the Defense-wide, RDT&E Account. The entity to receive funding for this project is ARC Technology at 13076 NW 120th St., Whitewater, KS 67154.

ARC anticipates that federal funds will complete the research and development of this technology. This technology enables both offensive and defensive capabilities from UAV platforms that are either controlled or autonomous. Targets of interest include improvised explosive devices (IEDs), communications systems, computers, electronics, radar systems, infrared and acoustic sensors, and GPS jammers. The FY09 funding addresses additional integration issues, range extension, packaging issues, and customer performance verification for incorporation into specific delivery platforms.

BUDGET FOR UAV PAYLOAD DIRECTED ENERGY SYSTEMS

	Percent
Materials	5
Labor	60
Testing	20
Performance verification*	15
Total	100

* Per customer specifications, to simulate performance in end applications.

No matching funds are required for this Department of Defense project.

CORE COMPONENT JAMMER

The Department of Defense Appropriations Act, 2009, H.R. 2638, contains $9,000,000 for Core Component Jammer in the Air Force, Research and Development account. This project is for The Boeing Corporation located at P.O. Box 7730 MC K71–33, Wichita, KS 67277–7730.

The funds will help the technology maturation, pod development, and encourage the development of a solution to the problem of the standoff jamming capability gap (created by the retirement of Navy EA–6Bs in 2012). The additional FY09 funding would help ensure timely fielding of an Air Force standoff jamming capability as part of the Defense Department System of Systems approach to protecting U.S. air missions from threat electronic attack capabilities. The additional funding would enable a more robust development program in the Air Force which would help to reduce schedule risk by allowing the Air Force to enhance its CCJ development activities in FY09.

AFRL Technology Maturation—$68M ($15M for Aircraft Integration Studies).

Develop Subsystem Spec & Interface Control Documentation.

Paper Concept—Pod design, subsystem installation concept airworthiness cert impacts, structural impacts, etc.

Analysis/simulation/test of concept design.

FY08 Congressional Add—$4M.

Propose to conduct wind tunnel test of pod integration on aircraft.

FY09 Plus Up Request—$9M.

Complete pod design.

Build two flyable CCJ pods w/o Electronic Attack hardware.

Anticipated source of funding is through the Air Force.

The Air Force projects $3.9B to complete development and to field CCJ capability through Block 2.

With Air Force CCJ program of record beginning in FY10, total Congressional funding support would be $4M in FY08 and $9M in FY09.

No matching funds are required for this Department of Defense project.

	FY08	FY09	FY10	FY11	Early FY12	MS B	Late FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY19	FY20	FY21	FY22	FY23	Total
ROM Costs:																			
AEA Tech Mat & Demonstration	$8.0	$22.5	$92.5	$139.5	$140.5			$13.0	$11.5	$5.5								$0.0	$433.0
CCJ Development:																			
Blk 1 SDD							$102.5	$488.0	$389.0	$227.5	$37.0	$0.0	$0.0	$0.0	$0.0	$0.0			$1,244
Blk 1 Prod										$163.1	$346.2	$325.9	$321.3	$272.7	$139.9	$19.9			$1,589
Blk 2 SDD											$100.0	$120.0	$85.0	$50.0	$10.0				$365
BLK 2 Prod															$63.0	$85.0	$73.0	$50.0	$271
30 & 24 Blk 1 Installs.																			
Aircraft									2 (SDD)		2	7	6	5	4	4			
Pods									2 (SDD)		2	5	5	4	4	2			

	FY08	FY09	FY10	FY11	Early FY12	MS B	Late FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY19	FY20	FY21	FY22	FY23	Total
Funding Required:																			
Existing	$8.0	$12.5																	
FY09 APOM	.....	$10.0	$42.0																
FY10 POM	.....	.....	$50.5	$139.5	$140.5														
FY12 POM	.....	.....	.....	.....	.....		$102.5	$501.0	$400.5	$396.1	$483.2	$445.9	$406.3	$322.7	$212.9	$104.9	$73.0	$50.0	.....
Total Program	$8.0	$22.5	$92.5	$139.5	$140.5		$102.5	$501.0	$400.5	$396.1	$483.2	$445.9	$406.3	$322.7	$212.9	$104.9	$73.0	$50.0	$3,902.0
Cumulative: Total Program	$8	$31	$123	$263	$403		$506	$1,007	$1,407	$1,803	$2,286	$2,732	$3,139	$3,461	$3,674	$3,779	$3,852	$3,902.0	.....

CIVIL AIR PATROL (CAP) AIRCRAFT

The Department of Defense Appropriations Act, 2009, H.R. 2638, contains $5,000,000 for Civil Air Patrol (CAP) Aircraft in the Air Force, Aircraft Procurement Account. The entity to receive funding for this project is Cessna Aircraft Company at 3 Cessna Blvd., Wichita, Kansas 67215.

The CAP provides the least expensive airborne emergency services and Homeland Security services of any agency at approximately $100 per flying hour. The CAP budgets through the USAF for acquisition of new aircraft to modernize the fleet, maintain operational readiness, and contribute to the Homeland Security. The FY09 USAF Budget Submission only provides $2.44M (6 A/C) for CAP aircraft acquisition. The additional funding will procure additional aircraft for CAP.

No matching funds are required for this Department of Defense project.

DEMONSTRATION PROJECT FOR CONTRACTORS EMPLOYING PERSONS WITH DISABILITIES

The Department of Defense Appropriations Act, 2009, H.R. 2638, contains $2,400,000 for Demonstration Project for Contractors Employing Persons with Disabilities in the Air Force, Operation & Maintenance. The entities to receive funding for this project are Cerebral Palsy Research Foundation located at 5111 East 21st Street, Wichita, Kansas 67208 and Envision located at 2301 South Water, Wichita, Kansas 67213.

The Department of Defense Appropriations Act, 2009, contains $2,400,000 for Demonstration Project for Contractors Employing Persons with Disabilities in the Air Force, Operation & Maintenance. The entities to receive funding for this project are Cerebral Palsy Research Foundation located at 5111 East 21st Street, Wichita, Kansas 67208 and Envision located at 2301 South Water, Wichita, Kansas 67213.

The program is authorized under H.R. 1588; Demonstration Project for Contractors Employing Persons With Disabilities. The purpose of the demonstration project is to provide jobs for people with severe disabilities who otherwise would not be fully employed. The national unemployment rate for people with severe disabilities is 70%. It is in the national best interest for the government to provide, and fund, programs which have as a purpose to lower this rate. Disabled individuals employed under the Demonstration Project are able to live independent lives and are able to pay their share of employment taxes and income taxes. These individuals, when employed, contribute to the growth of our economy. As a result of the Demonstration Project for Contractors Employing Persons with Disabilities, the U.S. Air Force Printing Office has engaged in an ongoing relationship with Envision Corporation in Wichita, Kansas. This relationship has been very successful in accomplishing not only the goal of furthering employment opportunities for the blind, but also in providing the U.S. Air Force Printing Office with funding and manpower it would otherwise not have. To date, the U.S. Air Force has advised of the need for additional work totaling approximately $8 Million.

As a result of the Demonstration Project for Contractors Employing Persons with Disabilities, the U.S. Air Force Office of Personnel and Management has engaged in an ongoing relationship with The Cerebral Palsy Research Foundation in Wichita, Kansas. This relationship has been very successful in accomplishing not only the goal of furthering employment opportunities for the severely disabled, but also in providing the U.S. Air Force Office of Personnel and Management with funding and manpower it would otherwise not have for the purpose of digitizing all paper records of its personnel. To date, the U.S. Air Force has advised of the need for additional work totaling approximately $11 Million.

The United States Air Force Personnel community is undergoing the most extensive reengineering effort in history. This effort includes streamlining processes and centralizing where it makes sense to do so by leveraging technology, and shifting the service model to a greater reliance on self-service. A key enabler to achieving the desired end state is a shift from paper-intensive personnel transitions and document storage to a near-paperless environment as spelled out in the AF/A1 E-Records Strategy document. A key milestone in achieving an E-Record environment is conversion of current paper document repositories into a centralized digital repository. There are approximately 13 million pages of paper records that need to be scanned. Currently we are operating in option year two of a five year plan.

No matching funds are required for this Department of Defense project.

LASER PEENING FOR FRICTION STIR WELDED AEROSPACE STRUCTURES

The Department of Defense Appropriations Act, 2009, H.R. 2638, contains $1,600,000 for Laser Peening for Friction Stir Welded Aerospace Structures in the Department of the Air Force, RDT&E Account. The entity to receive funding for this project is Curtiss-Wright Metal Improvement Company at 1618 Ida, Wichita, Kansas 67211.

The program will demonstrate the benefits of laser peening on subscale components with identical geometry of targeted DoD aircraft components, quantify anticipated improvement in performance, lifetime extension and cost reduction of full size DoD aircraft components, and demonstrate the technology for use with large wing structures to achieve substantial material and operational savings for the military.

Funding will support the following activities:

Engineering and Planning—$150,000.

Test Article Design & Analysis—$450,000.

Test Article Fabrication—$400,000.

Test Article Welding—$100,000.

Test Article Laser Peening—$150,000.

Test Article Fatigue Testing—$600,000.

Engineering Applications for Aircraft component Evaluation: $450,000.

Analysis & Reporting—$300,000.

Overhead & Administration: $300,000.

No matching funds are required for this Department of Defense project.

C–130 ACTIVE NOISE CANCELLATION SYSTEMS

The Department of Defense Appropriations Act, 2009, H.R. 2638, contains $1,600,000 for C–130 Active Noise Cancellation Systems in the Department of the Air Force, Aircraft Procurement Account. The entity to receive funding for this project is Global Aviation Technologies, located at 2629 W May, Wichita, Kansas 67213.

Anticipated Sources of Funding: In FY–08, the National Guard Bureau contributed $0.5M in NGREA funds to the program, and we anticipate that will continue in FY–09. The primary source of funds for FY–10 and beyond will be the Air National Guard and Air Force POM and program funds. Justification of federal funding: ANCS is a program of record, and federal funds have been appropriated each year since the FY–06. The ANCS System is included in the Air National Guard FY–09 Weapons Systems Modernization Requirements desired capabilities list. The C–130 Active Noise Cancellation (ANC) is a commercial off-the-shelf (COTS) product that will reduce crew fatigue and associated hearing loss by greatly reducing the unhealthy noise levels in the C–130 cockpit. Over 700 ANC systems are in use throughout the world in commercial airline applications, and the system has been fully tailored for the C–130H with no additional non-recurring integration work required. The system has been proven highly reliable in commercial use and requires no scheduled maintenance. C–130 cockpit noise exceeds 100 decibels, a noise level at which it is difficult to communicate clearly, and which causes fatigue and loss of crew coordination. Additionally, this noise level is well above the permanent hearing loss threshold (established by OSHA at 85 decibels). The Ultra ANC system cancels noise by introducing equal amplitude/opposite phase sound

phase sound into the cockpit via a distributed speaker system. A sophisticated control system samples the noise throughout the cockpit several times a second and drives the speaker outputs to provide maximum quieting. Based on FY–08 pricing, the anticipated installed price will be $260K per C–130 aircraft.

No matching funds are required for the Department of Defense program.

AT–6B CAPABILITIES DEMONSTRATION FOR THE AIR NATIONAL GUARD

The Department of Defense Appropriations Act, 2009, H.R. 2638, contains $6,000,000 for AT–6B Capabilities Demonstration for the Air National Guard in the Air Force, RDT&E Account. The entity to receive funding for this project is Hawker Beechcraft Corporation at 9709 E Central Ave, Wichita, Kansas 67201.

The funding would be for the development of an AT–6B. The Air National Guard (ANG), has stated a requirement to fill equipment capability gaps in support of the mission to conduct Joint Terminal Attack Controller (JTAC) Training, as well as Homeland Defense, Homeland Security, and Civil Support mission capabilities training that support DoD, DHS, and State mission requirements. The AT–6B is an affordable, sustainable and responsive aircraft tailored to the NetCentric intelligence, surveillance and reconnaissance (ISR) and light attack missions. The AT–6B meets the needs of top level U.S. National Strategic Guidance, including the 2006 Quadrennial Defense Review, at a fraction of the cost and a fraction of the infrastructure requirements of jet fighters. The AT–6B offers Air Force Special Operations Command (AFSOC) an asset tailored to increase airman-to-airman engagement with partner Air Forces vital to meeting U.S. national security objectives. It is a cross-cutting enabler critical to expanding foreign partnerships and expanding partnership airpower capacity. Estimated cost of the AT–6B capabilities flight demonstration is approximately $21 million. Approximately $11 million = Industry costs to build and provide one fully equipped AT–6B demonstrator aircraft. Hawker Beechcraft will provide this portion of the total cost. The capital investment required to deliver a fully operational flight demonstration aircraft also leverages a significant corporate IR&D investment made to develop the AT–6B aircraft which is not included in the $11 million industry contribution. In addition to the actual capital investment in building the aircraft, the contractor also intends to provide sensors and other mission equipment on loan to the Air Force in support of the demonstration, thereby further reducing government costs. Approximately $10 million = Government costs to fund government-run flight test, including: government program management costs, range instrumentation costs, aircraft operating costs, Air Force directed mission equipment integration costs, and contractor engineering and support services in support of demonstration.

No matching funds are required. However, the contractor is providing over half the total estimated costs of the AT–6B capabilities flight demonstration.

DEVELOPMENT OF IMPROVED LIGHTER-WEIGHT IED/EFP ARMOR SOLUTIONS

The Department of Defense Appropriations Act, 2009, H.R. 2638, contains $1,000,000 for Development of Improved Lighter-Weight IED/EFP Armor Solutions in the Department of the Army, RDT&E Account. The entity to receive funding for this project is Leading Technology Composites at 2626 West May, Wichita, KS 67213.

This funding is to develop and field Lightweight IED/EFP Armor Solutions for the U.S. Military. These improved solutions will reduce weight, increase payload and maneuverability, and defeat the current battle field threats. Innovative solutions to reduce current system weights resulting in increased payload, maneuverability. Finance Plan: Materials—40 percent; Processing—10 percent; Test and Analysis—30 percent; STE—5 percent; Labor—15 percent.

No matching funds are required for the Department of Defense program.

MAINTENANCE PERSONNEL AT THE 931ST AIR REFUELING GROUP

The Department of Defense Appropriations Act, 2009, H.R. 2638, contains $4,000,000 for Department of the Air Force, Operations and Maintenance Air Force Reserve Account to hire additional Maintenance Personnel at the 931st Air Refueling Group. The entity to receive funding for this project is the 931St Refueling Group, McConnell Air Force, 2801 N Rock Rd, Wichita, Kansas 67226.

When the Air Force Reserve's 931st Air Refueling Group (ARG) at McConnell Air Force Base was created, it did not include any maintenance manpower. This has resulted in a personnel shortfall at the 931St of 12 Drill Officer, 304 Drill Enlisted, and 100 ART Civilian personnel. This shortfall has caused tremendous burden of maintenance personnel at the co-located active duty 22nd Air Refueling Wing and hindered the operational readiness of both the 22nd and 931st. Over the past several years, I have worked to address this problem and ensure full-manning at the 931st. By working with the leadership of Air Force, the 22nd, and the 931st, we have crafted a workable solution. This solution would gradually add the necessary personnel over the Fiscal Years 2008 and 2009. The earmark is necessary to begin implementation of this solution and ensure the 931st ARG has enough personnel to fulfill its critical mission. The funding is for RPA funds (MILPERS) = $2.195M; DHP (MEHRC) = $.614M; Civ Pay (O&M) = $4.883M.

No matching funds are required for the Department of Defense program.

ACCELERATED INSERTION OF ADVANCED MATERIALS

The Department of Defense Appropriations Act, 2009, H.R. 2638, contains $3,000,000 for Accelerated Insertion of Advanced Materials in the Department of the Air Force, RDT&E Account. The entity to receive funding for this project is Wichita State University at 1845 Fairmount St, Wichita, 67260.

This program will provide a breakthrough in technology integration and will achieve significant cost and cycle-time reductions in new material insertion through (a) data-sharing among multiple users, (b) statistical continuity from one length-scale to another and (c) reduced testing via increased capability and use of numerical/analytical simulation tools. Anticipated benefits include reductions in non-recurring and recurring program qualification costs and introduction of multiple sources of new advanced material forms. Unlike structures that use metallic materials in the manufacturing process, the material properties of a composite are manufactured into the structure as part of the fabrication process. Therefore, it is essential to ensure that critical parameters pertaining to composite materials and their production processes are identified to facilitate adherence to standards in the final engineered part. Presently, each original equipment manufacturer (OEM) is responsible for this assurance, creating ''customized'', nonstandard procedures for quality and safety assurance. DoD aircraft repair and modification efforts are extremely important because (a) difficulty in this area can lead to the rejection of a structural or material concept in the preliminary design phase, (b) they form a significant part of the total ownership cost and can drive fleet lifecycle decisions, (c) they provide opportunities to insert new material concepts quickly and at minimal cost, and (d) the type and level of engineering effort for repair/modification qualification in large military and commercial transport aerospace applications closely equates to that of full-design efforts. This program will seek to provide the DoD with a solution to this problem and eliminate the costly material insertion that exists for new programs or retrofitting materials used on legacy aircraft as well as enable United States aerospace leadership. This program is also supported by the aviation industry and composite material supplier industry and has over a 1:1 leverage factor.

Anticipated Sources of Funding during Project Duration: DoD (Air Force), State of Kansas, Aviation Industry, Composite Material Suppliers. No matching funds are required for the Department of Defense program.

AGING AIRCRAFT FLEET SUPPORT

The Department of Defense Appropriations Act, 2009, H.R. 2638, contains $1,600,000 for Aging Aircraft Fleet Support in the Department of the Navy, RDT&E Account. The entity to receive funding for this project is Wichita State University at 1845 Fairmount St, Wichita, 67260.

Most of the aging research being conducted presently is focused on metallic structures. In addition to the ongoing research in aging metallic structures, the requested appropriation will permit NIAR to partner with the NAVY and investigate the effects of aging on composite structures as well as composite/metallic hybrid structures. As more composite components are being certified and used on primary and ''flight critical'' secondary structures, a future need of the military and commercial aviation industry will be the investigation of these composite structures and the assurance of the airworthiness of composite components. NIAR already has a background in this through partnerships with the FAA by investigating Boeing 737 composite tail structures which flew commercial service for over 20 years and by examining the first of all composite certified aircraft recently taken out of service, the Beechcraft Starship. Lessons learned from this research will provide insight into the aging aspects of other composite aircraft structures and influence the use of advanced materials on new aircraft being proposed for military service as well as maintenance of the existing fleet. Benefit to DoD and Justification for Use of Federal Taxpayer Dollars: The biggest concerns with aging aircraft are the unknowns that emerge with little or no warning, raising the concern that an unexpected phenomenon may suddenly jeopardize an entire fleet's flight safety, mission readiness, or support costs. The DoD can benefit from the direct application of the research results into fleet management strategies as well as proactive provide strategies that will reduce the cost of maintenance for advanced materials used on military aircraft.

Anticipated Sources of Funding during Project Duration: DoD (Navy), FAA, Aviation Industry. Percent and Sources of Matching Funds: 25 percent—FAA; 10 peercent—Aviation Industry. No matching funds are required for the Department of Defense program.

NANOCOMPOSITES FOR LIGHTNING PROTECTION OF COMPOSITE AIRCRAFT STRUCTURES

The Department of Defense Appropriations Act, 2009, H.R. 2638, contains $1,200,000 for Nanocomposites for Lightning Protection of Composite Aircraft Structures in the Department of the Air Force, RDT&E Account. The entity to receive funding for this project is Wichita State University at 1845 Fairmount St, Wichita, 67260.

Nonmetallic military (manned and unmanned) aircraft are vulnerable to lightning strike and airworthiness assurance is threatened. For example, FAA certified aircraft are typically struck by lightning once or twice a year. Unlike their metal counterparts, composite structures do not readily conduct away the extreme electrical currents and electromagnetic forces generated by lightning strikes. Composite materials are either not conductive at all (e.g. fiberglass) or are significantly less conductive than metals (e.g. carbon fiber). For this reason, lightning strike protection has been a significant concern since the first composites were used on aircraft more than 30 years ago. This program will seek to advance the development and operation of a nanocomposite based methodology addressing lightning strike protection on composite airframe structures in Department of Defense aircraft applications. Recent advances in the addition of nanocomponents to advanced composite materials have shown the potential for reducing lightning strike damage to composite airframe structures. A variety of nanoconstituents known for their conductivity and high aspect ratio have been recently analyzed under an exploratory Air Force study and have shown great promise for the incorporation of this technology into a manufacturing environment. This research focus and funding will work in coordination with the Air Force Research Laboratory (AFRL) at Wright Patterson AFB to advance research into possible commercial applications that may be used in production. This will enable aircraft operation (manned and unmanned) in all environments without restrictions.

Anticipated Sources of Funding during Project Duration: DoD (Air Force), State of Kansas, Aviation Industry. Percent and Sources of Matching Funds: 20 percent match—State of Kansas; 20 percent match—Aviation Industry. No matching funds are required for the Department of Defense program.

COMPOSITE SMALL MAIN ROTOR BLADE

The Department of Defense Appropriations Act, 2009, H.R. 2638, contains $1,600,000 for development of a Composite Small Main Rotor Blade in the Department of the Army, RDT&E Account. The entity to receive funding for this project is Plastic Fabricating division of Kaman Aerospace Corporation at 1650 South McComas Street, Wichita, KS 67213.

It is my understanding that the funding would be used to continue development on the Composite Small Main Rotor Blade which would replace the legacy main rotor blade on the U.S. Army's A/MH–6 Little Bird helicopter. The Little Bird, flown by the U.S. Army's 160th Special Operations Aviation Regiment, has been heavily modified to better meet operational needs; however, the main rotor blade, a critical dynamic component, has not been upgraded to modern standards. Constructed of metal, this blade is highly susceptible to damage and fatigue, and since metal lacks ballistic tolerance, the blades leave the aircraft especially vulnerable to enemy weapons in hostile action. Moreover, when gunners fire their weapons from the aircraft, expended shell casings can cause minor skin dents, and even these small dents require that the blades be replaced. The Composite Small Main Rotor Blade takes advantage of the inherent ballistic tolerance of composite construction, advanced aerodynamic design, and state-of-the-art erosion-resistant materials and will significantly improve the safety, reliability, performance—and survivability—of the aircraft. Specifically, the blades will increase damage tolerance, enhancing survivability in hostile environments, and improve hover performance, increase operating ceiling, increase maximum forward speed, all adding to the aircraft's maneuverability and performance envelope. The composite blades will also improve erosion resistance, experience better field reparability, and reduce the cost and logistics burden related to premature metal blade replacement due to damage. Funds are requested to fabricate production tooling, fabricate FAA certification blades, and conduct FAA certification ground testing. Composite Small Main Rotor Blades will (1) make the A/MH–6 Little Bird helicopter more survivable in hostile environments; (2) expand the flight envelope of the aircraft; and (3) reduce logistics burden and cost associated with supporting the legacy blade.

No matching funds are required for the Department of Defense program.

VIGILANT, AN AUTO-ID AND ACCESS CONTROL FACILITY

The Department of Defense Appropriations Act, 2009, H.R. 2638, contains $1,600,000 for development of Vigilant an auto-ID and access control facility at the McConnell ANG facility in the Department of the Army, RDT&E Account. The entity to receive funding for this project is the 184th Air National Guard at McConnell Air Force Base, located at 2801 N Rock Rd, Wichita, Kansas 67226.

Anticipated sources of funding for the duration of the project: It is anticipated that the funding for the Vigilant Sentinel multi-year effort will be provided by Federal Government support. Vigilant Sentinel will enable the National Guard to continue to be a quality first responder in the field by providing a quality, cost-effective security system in a fixed location or mobilized via UAVs that can be customized to each user's security requirements without being intrusive. The proposed FY09 funding of $2.0M will be utilized for Phase 4 in developing the system to start the transition into a mobile sensor network. FY09 funding will be executed on a 50 percent Camber Corporation and 50 percent 184th Kansas Air National Guard McConnell AFB, Wichita, KS. Camber Corporation: (50 percent/$1,300,000) 1st phase; prototype a mobile unmanned perimeter sensor network that will enable the National Guard to secure an area with a minimum of manpower. The second phase is to integrate handheld devices to read valid Government IDs and validate them through available communication networks (satellite uplink, cell, wireless) thereby enabling the National Guard to quickly and accurately ID people during a first response to a disaster or National emergency. 184th Kansas Air National Guard, McConnell AFB, Wichita, KS: (50 percent / $1,300,000) Finalize Phase 3, a working prototype to provide secured coverage over multiple locations for fixed site security currently being installed and tested at McConnell Air Force Base.

No matching funds are required for this Department of Defense project.

EARMARK DECLARATION

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. PORTER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 2638—The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009

Requesting Member: Congressman JON C. PORTER.

Bill Number: H.R. 2638—The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: Air Force, OM account.

Legal Name of Requesting Entity: Giant Campus.

Address of Requesting Entity: 3101 Western Avenue, Suite 100, Seattle, WA, USA.

Description of Request: Provide an earmark of $2,000,000 to complete funding to allow for the continuation of an on-base program, offering technology curriculum through in-class study, additional after-school and evening community programs, and a more concentrated series during vacations or school breaks. This request is consistent with the intended and authorized purpose of the Air Force, OM account.

Requesting Member: Congressman JON C. PORTER.

Bill Number: H.R. 2638—The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: Navy, Force Protection Advanced Technology account.

Legal Name of Requesting Entity: Pierce Targets.

Address of Requesting Entity: 215 Grand Mediterra Henderson, NV 89011.

Description of Request: Provide an earmark of $1,600,000 for the demonstration and evaluation of the self healing target system at Guam and research, development, and testing of next generation large scale self healing targets for bombing ranges. This request is consistent with the intended and authorized purpose of the Navy, Force Protection Advanced Technology account.

Requesting Member: Congressman JON C. PORTER.

Bill Number: H.R. 2638—The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: Army, RDTE account.

Legal Name of Requesting Entity: Opticomp.

Address of Requesting Entity: 215 Elks Point Road, P.O. Box 10779 Zephyr Cove, Nevada 89448–2779.

Description of Request: Provide an earmark of $2,200,000 to build a WMD-capable optical amplifier system that may be integrated with wave guide-based massively parallel optical

interconnect, MPOI, technology. This request is consistent with the intended and authorized purpose of the Army, RDTE account.

Requesting Member: Congressman JON PORTER.

Bill Number: H.R. 2638—The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: Navy, RDTE account.

Legal Name of Requesting Entity: Progeny Systems Corporation.

Address of Requesting Entity: 2501 N. Green Valley Parkway, Suite 130–D, Henderson, Nevada 89014.

Description of Request: Provide an earmark of $2,500,000 for Tactical Unmanned Aerial Vehicles PE 0305204N, Project 2478, only to continue Phase III SBIR N04–011 Unmanned Air Systems Tactical Control System ''Open Architecture'' Migration Program in FY09. This request is consistent with the intended and authorized purpose of the Navy, RDTE account.

Requesting Member: Congressman JON C. PORTER.

Bill Number: H.R. 2638—The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: Air Force, AP account.

Legal Name of Requesting Entity: ATK.

Address of Requesting Entity: 5050 Lincoln Drive, Edina, MN, USA.

Description of Request: Provide an earmark of $400,000 to complete funding for upgrades to the Podded Reconnaissance System, also known as SCATHE VIEW, to provide ground and air forces critical real-time intelligence for domestic disaster relief operations and war fighter requirements. This request is consistent with the intended and authorized purpose of the Air Force, AP account.

Requesting Member: Congressman JON C. PORTER.

Bill Number: H.R. 2638—The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: Army, RDTE account.

Legal Name of Requesting Entity: Nevada Cancer Institute.

Address of Requesting Entity: 10000 W. Charleston Blvd, Las Vegas, NV, USA.

Description of Request: Provide an earmark of $1,600,000 to complete funding to test whether the combined injury of trauma, hypoxia, sepsis and/or radiation exposure can be reduced by interruption of the complement cascade. This request is consistent with the intended and authorized purpose of the Army, RDTE account.

EARMARK DECLARATION

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. YOUNG of Florida. Madam Speaker, I submit the following:

Requesting Member: Congressman C.W. BILL YOUNG.

Bill Number: H.R. 2638—Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009

Account: Military Construction, Army National Guard.

Legal Name of Requesting Entity: Florida Army National Guard.

Address of Requesting Entity: 400 S. Monroe Street, Tallahassee, Florida 32399.

Description of Request: Provides $20,907,000 for construction of Phase IV of the Regional Training Institute (RTI), Project Number 120191, located at Camp Blanding, Starke, Florida 32091. It is my understanding that the Florida Army National Guard (FLARNG) and Army National Guard readiness will be affected if the school cannot educate and train soldiers. This final phase will finish construction of the remaining 65,000 square feet of billeting, all remaining infrastructure, supporting facilities, and all necessary work not completed in the prior phases to support and house students attending the courses at the training institute.

Requesting Member: Congressman C.W. BILL YOUNG.

Bill Number: H.R. 2638—Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: Navy Aircraft Procurement.

Legal Name of Requesting Entity: Alliant Techsystems (ATK), Inc.

Address of Requesting Entity: 13133 34th Street North, Clearwater FL 33762.

Description of Request: Provides $3,200,000 for an AAR–47 Missile Advance Warning System. The AAR–47 is an extremely effective, low cost, missile warning system that provides significant timely warning of missile and laser threats to U.S. aircraft. This program will provide upgrades for new requirements based on emerging threats in the Global War on Terrorism, and it will address long-term performance improvements for emerging threats. This system is currently fielded in a wide variety of fixed wing and rotary wing aircraft currently being used in Iraq and Afghanistan. The lessons learned from years of combat operations and subsequent upgrades to this system will enhance the ability of aircraft to avoid being shot down.

Account: Army RDT&E.

Legal Name of Requesting Entity: Enser Corporation.

Address of Requesting Entity: 5430 70th Avenue North, Pinellas Park FL 33781.

Description of Request: Provides $2,300,000 for Advanced Battery Technology (ABT). This program is intended to establish a U.S. owned thermal battery capability to support advanced weapons systems to meet production requirements of next generation weapon systems for strategic defense and advanced guided munitions, smart bombs and missiles.

Account: Army RDT&E.

Legal Name of Requesting Entity: Eclipse Energy Systems Inc.

Address of Requesting Entity: 2345 Anvil St. North, St. Petersburg FL 33710.

Description of Request: Provides $3,500,000 for the Advanced Conductivity Program (ACP). This program is designed to meet an urgent need for manufacture of patented advanced nanotechnology films that offer enhancements over current film systems in order to reduce solar loading of vehicles, and provide greater multi-functionality in transparent armor.

Account: Air Force RDT&E.

Legal Name of Requesting Entity: Alaka'i Consulting & Engineering, Inc.

Address of Requesting Entity: 7887 Bryan Dairy Rd, Suite 220, Largo FL 33777.

Description of Request: Provides $2,400,000 for Advanced Detection of Explosives (ADE). ADE will improve current counter-IED technology and detect improvised explosives devices (IEDs) at safe standoff distance.

Account: Army Aircraft Procurement.

Legal Name of Requesting Entity: Conax Florida Corporation.

Address of Requesting Entity: 2801 75th Street North, St. Petersburg FL 33710.

Description of Request: Provides $2,400,000 for the Air Warrior—Joint Service Vacuum Packed Life Raft (AW–JSVPLR) which will provide the Army with a small, compact, maintenance free raft for helicopter crews in the event of an emergency egress. The Air Warrior Block I ensemble specification includes a requirement for an Over-Water-Gear Container (OWGC) and vacuum packed, low profile life raft for over-water missions and for personnel safety/survival in the event of a water landing or eject.

Account: Navy ONR RDT&E.

Legal Name of Requesting Entity: University of South Florida.

Address of Requesting Entity: 4202 East Fowler Avenue, Tampa FL 33620.

Description of Request: Provides $1,600,000 for Autonomous Marine Sensors and Networks for Rapid Littoral Assessment. This program continues development of advanced underwater sensing systems and associated networks that provide rapid assessment of near shore ocean environments.

Account: Army Reserve Operation & Maintenance.

Legal Name of Requesting Entity: U.S. Army Reserve.

Address of Requesting Entity: St. Petersburg-Clearwater International Airport, Clearwater FL 33762.

Description of Request: Provides $1,600,000 to address the immediate military need for aviation facilities supporting the United States Army Transformation and rapid fielding of the new USAR Air Ambulance Company in Clearwater, FL. The USAR Air Ambulance Company is the first in a series of unit activations required to implement the Army's directive to increase the air ambulance structure in the modular force and mitigate the critical medical evacuation shortfall with the OIF/OEF rotational requirements.

Account: Air Force RDT&E.

Legal Name of Requesting Entity: Honeywell.

Address of Requesting Entity: 13350 U.S. Highway 19 North, Clearwater FL 33764–7290.

Description of Request: Provides $2,400,000 for Ballistic Missile Technology. This project will help develop and mature the current Minuteman III program, the Navy's Trident D–5 Life Extension and Prompt Global Strike mission.

Account: Navy/Marine Corps RDT&E.

Legal Name of Requesting Entity: SAIC.

Address of Requesting Entity: Central Avenue, Suite 1370, St. Petersburg FL 33701.

Description of Request: Provides $2,400,000 for Battlefield Sensor Netting (BSN). BSN will provide the warfighter with unparalleled access to mission critical, real-time sensor data. Although tremendous progress has been made in the advancement of sensors, there has not been a corresponding advancement in data link network technologies that can effectively disseminate, display and exploit the tremendous amounts of

data generated by modern sensor systems. The Battlefield Sensor Netting program bridges the sensor to shooter gap. It would provide a high bandwidth data network that combines the advantages of low cost, highly capable commercial wireless technologies with the extended range, jamming resistance and security provided by phased array antennas, military encryption systems and network software.

Account: Navy RDT&E.

Legal Name of Requesting Entity: DRS Technologies.

Address of Requesting Entity: 6200 118th Avenue North, Largo FL 33773.

Description of Request: Provides $4,000,000 for C-Band Radar Replacement Development. The C-Band active array radar is capable of replacing several in-service ship radars facing obsolescence and escalating maintenance costs. This program is intended to be the Air Traffic Control/Marshalling radar for amphibious ships. It will replace the obsolete and difficult to maintain SPS–67. At half the cost of similar radars, CBAAR will provide surface search, air traffic control, anti-ship missile defense and navigation.

Account: Air Force RDT&E.

Legal Name of Requesting Entity: Honeywell.

Address of Requesting Entity: 13350 U.S. Highway 19 North, Clearwater FL 33764-7290.

Description of Request: Provides $2,400,000 for a Chip Scale Atomic Clock project. Atomic clocks allow for accurate time reference for communications and navigation systems. However, most atomic clocks are very heavy (100 lbs or more), too large for handheld or compact electronic systems and also too costly. This project will miniaturize the atomic clocks for inclusion on the battlefield, help prevent IED jammers from interfering with each other and will provide position accuracy even in areas where GPS is unavailable or denied.

Account: Army RDT&E.

Legal Name of Requesting Entity: Cure Search.

Address of Requesting Entity: 440 E. Huntington Drive, Suite 400 Arcadia, CA 91006-3776.

Description of Request: Provides $1,600,000 for the Children's Oncology Group (COG) treats 90 percent of children in the U.S. diagnosed with cancer, including hundreds of children of the men and women serving in our armed forces. In order to meet the needs of military families who have children with cancer, the COG developed the Uniformed Services Oncology Consortium (USOC). The USOC is a group of military institutions within the COG. Because of the COG network, children are able to receive state of the art care in COG institutions throughout the country and are often treated at institutions other than those on a military base because of the increased availability of care. This funding will expand on ongoing research by COG with the Department of Defense and improve investigations of the genetic, epigenetic and signal transduction pathways.

Account: Navy RDT&E.

Legal Name of Requesting Entity: DRS Technologies.

Address of Requesting Entity: 6200 118th Avenue North, Largo FL 33773.

Description of Request: Provides $3,200,000 for a Common Below Decks Architecture. Legacy shipboard surveillance radars operating at various frequencies cannot sustain operational effectiveness or realize their full performance potential without a marked improvement in below decks signal/data processing. This program is intended to provide a common architectural approach to unique below decks signal/data processing requirements which can benefit 120 radars installed on 74 ships.

Account: Army RDT&E.

Legal Name of Requesting Entity: Custom Manufacturing and Engineering.

Address of Requesting Entity: 2904 44th Avenue North, St. Petersburg FL 33714.

Description of Request: Provides $1,600,000 for a Compact MVCC Soldier Cooling System. This project will combat heat stress in troops by using a unique miniature refrigeration system and cooling garment to regulate their body temperature while wearing body armor and other protective gear. This project will greatly reduce heat stress and heat injury in our troops, especially those serving in Iraq and Afghanistan.

Account: Defense Wide RDT&E.

Legal Name of Requesting Entity: SRI International.

Address of Requesting Entity: 140 7th Avenue South, St. Petersburg FL 33701.

Description of Request: Provides $4,500,000 for a Comprehensive Maritime Domain Awareness. This funding would continue an ongoing successful program to detect, deter or prevent terrorist attacks against our ports as well as support a broad group of local and regional law enforcement agencies, national and defense assets tasked with protecting ports, waterways, and the general maritime commerce. The program is developing a comprehensive, networked, waterside and landside port and maritime domain awareness system. The initiative applies the latest available technology and develops new capabilities to fill deficiencies in existing systems. Technology used to support the effort takes advantage of the latest advances in micro-systems and nano-materials for sensors and communications.

Account: Defense Wide RDT&E.

Legal Name of Requesting Entity: Constellation Technology Corporation.

Address of Requesting Entity: 7887 Bryan Dairy Road, Suite 100, Largo, FL 33777.

Description of Request: Provides $800,000 for Continuation of Advanced Materials (Mercuric Iodide) Research for Nuclear Detection, Counter-Proliferation and Imaging for Special Operations. This project will enable the development of radiation detection equipment with significantly improved resolution and detection efficiency which provides improved ability to find and identify radiological threats. Mercuric Iodide continues to demonstrate great promise in meeting the Defense Threat Reduction Agency's mission and that of the various intelligence gathering organizations to quantify the impact of CBRNE threats.

Account: Defense Wide RDT&E.

Legal Name of Requesting Entity: Constellation Technology Corporation.

Address of Requesting Entity: 7887 Bryan Dairy Road, Suite 100, Largo, FL 33777.

Description of Request: Provides $1,600,000 for Continuation of Industry Based Research into Biological Agent Identifiers without Wet Reagents. This project will greatly reduce consumable costs and logistical footprint associated with transport, storage, and use of ''wet'' reagents in a battlefield environment.

Account: Navy RDT&E.

Legal Name of Requesting Entity: Raytheon.

Address of Requesting Entity: 7401 22nd Avenue North Building D, St. Petersburg, FL 33710.

Description of Request: Provides $4,800,000 for the Cooperative Engagement Capability (CEC). CEC is a high priority, anti-air warfare program for the Navy that forms real-time networking among land, ship and airborne sensors and sends target information to every CEC-equipped platform. It combines all sensor data into a high-resolution, fire-control quality, composite track air picture. CEC is currently deployed on over 95 ships and aircraft, and is a transformational program identified in the Joint Forces Command ''Joint Battle Management Command and Control road map.''

Account: Defense Wide RDT&E.

Legal Name of Requesting Entity: University of South Florida.

Address of Requesting Entity: 4202 East Fowler Avenue, Tampa, FL 33620.

Description of Request: Provides $2,400,000 for Countermeasures to Chemical Biological Threats. Prior to the anthrax laden letters of late 2001, USF and the other 10 institutions which comprise the State University System of Florida were working on preparing the United States for an unannounced bioterrorist attack. Until then, basic microbiologic research had not been widely transferred from the laboratory to actual application in the field. It is in this environment that the State University System of Florida with the USF College of Public Health as the lead and coordinator was awarded Congressional project funds.

Account: Defense Wide RDT&E.

Legal Name of Requesting Entity: CTC Tampa Bay Inc.

Address of Requesting Entity: 7887 Bryan Dairy Road, Suite 220, Largo, FL 33777.

Description of Request: Provides $2,400,000 for Combating Terrorism Technical Support Office (CTTSO) and STAR–TEC Partnership. Disruptive technologies for potential solutions in combating terrorism are frequently created by small, fragile start up enterprises with highly unique skills. Historically, 80 percent of these emerging technology companies fail before their fifth birthday due to an unbalanced focus on product development and insufficient attention to fiscal operational management. Statistically, 87 percent of small companies mentored by professional business incubators succeed. This project seeks to meld STAR–TEC's business incubation and acceleration expertise with CTTSO's mission to rapidly field new combating terrorism technology solutions to ensure the fiscal health of the domestic, small business partners selected by CTTSO for technology acceleration.

Account: Defense Wide RDT&E.

Legal Name of Requesting Entity: Raytheon.

Address of Requesting Entity: 7401 22nd Avenue North, Building D, St. Petersburg, FL 33710.

Description of Request: Provides $1,600,000 for CV–22 Helmet Mounted Display. This program will replace the current Helmet Mounted Display (HMD) and night vision goggles with an integrated, panoramic, HMD/night vision daylight readable capability. This will allow our CV–22 aviators to more safely operate this new aircraft. Since most

helicopter flights in Iraq and Afghanistan happen during darkness, it is vital that our pilots have this new capability for these wars and also in training.

Account: Defense Wide Procurement.

Legal Name of Requesting Entity: National Forensic Science Technology Center.

Address of Requesting Entity: 7881 114th Avenue North, Largo, FL 33773.

Description of Request: Provides $3,200,000 for Expansion of the Mobile Forensic Labs and Technical Assistance and Training Support in Largo, Florida. The Defense Threat Reduction Agency developed and fielded one mobile forensics laboratory to be used in the U.S. for weapons of mass destruction and explosives. FY 2009 funds are needed to provide additional systems for international deployment. These state of the art modular laboratories provide rapid analysis and exploitation of forensic evidence recovered during missions thereby enhancing intelligence for ongoing operations as well as evidence.

Account: Air Force RDT&E.

Legal Name of Requesting Entity: Honeywell.

Address of Requesting Entity: 13350 U.S. Highway 19 North, Clearwater, FL 33764-7290.

Description of Request: Provides $1,600,000 for Florida National Guard Missile Range Safety Technology (MRST). MRST funding supports the 114th Range Operations Squadron of the Florida Air National Guard. This unit provides Command and Control of local and down-range assets in support of Air Force space launch operations as well as providing a wartime surge capability for the 45th Operations Group, 45th Space Wing at Patrick AFB, Florida. MRST is GPS-based mobile range safety system which offers an advanced capability, increased flexibility and cost savings to support range operations. For instance, the 114th ROS provides a mobile range tracking and command truck that can track and if necessary destroy errant ballistic missiles on firing range facilities. Providing this mobile capability will reduce costs by replacing the need to build permanent fixed sights at each missile range.

Account: Army RDT&E.

Legal Name of Requesting Entity: University of South Florida.

Address of Requesting Entity: 4202 East Fowler Avenue, Tampa, FL 33620.

Description of Request: Provides $2,500,000 for Health Informatics. Health informatics deals with the resources, devices, and methods required to optimize the acquisition, storage, retrieval, and use of information in health and biomedicine. This project continues research and development of new software applications that will be applied to advanced health informatics training programs. This will help the DOD better manage its healthcare systems and expand post-doctoral training of future researchers.

Account: Defense Production Act Purchases.

Legal Name of Requesting Entity: Enser Corporation.

Address of Requesting Entity: 5430 70th Avenue North, Pinellas Park, FL 33781.

Description of Request: Provides $3,000,000 for a High Performance Thermal Battery Infrastructure Project. Thermal batteries provide high technology power used for current and next generation strategic weapons systems as well as USAF tactical missiles. This project's goal is to scale up and optimize manufacturing processes to increase the production rate while taking advantage of economies of scale to facilitate operations as a viable business supporting the DOD.

Account: Army Procurement.

Legal Name of Requesting Entity: CONAX Florida Corporation.

Address of Requesting Entity: 2801 75th Street North, St. Petersburg, FL 33710.

Description of Request: Provides $3,200,000 for a HMMWV Restraint System. This program will procure and install upgrade kits for restraint systems on Army HMMWV and other tactical vehicle fleets. Furthermore, it will incorporate a ''no snag'' design for rapid vehicle egress while making it much easier for troops to fasten and unfasten safety belts while in full combat protective gear.

Account: Defense Wide RDT&E.

Legal Name of Requesting Entity: Information Manufacturing LLC.

Address of Requesting Entity: 11300 Dr. M.L. King Jr. Street, Suite 315, St. Petersburg FL 33716.

Description of Request: Provides $2,400,000 for Improved Information Transfer for SOCOM. This program will fulfill an urgent need to apply real-time knowledge management tools using new and emerging technologies that allow for the indexing and correlation of data from non-formatted data and divergent sources. This technology supports both written and spoken language translation covering multiple Arabic language dialects, with the capability to add additional languages over time. It will have the capability to apply artificial intelligence to automatically select and distribute information based on user needs as well as automatically discover un-seen relationships between data entries. With these advances, the system will collect, store, and index multi-media data, and perform metadata searches.

Account: Army RDT&E.

Legal Name of Requesting Entity: University of South Florida.

Address of Requesting Entity: 4202 East Fowler Avenue, Tampa FL 33620.

Description of Request: Provides $800,000 for an Integrated Functional Materials Project. This project focuses on the synthesis and characterization of new materials and devices, optimizing and integrating their functionality, and theoretical modeling for military and commercial applications. It will allow troops easy and immediate access to superior body armor, power generators, self-medication, communication devices, and reconnaissance tools while reducing bulky and redundant equipment.

Account: Air Force RDT&E.

Legal Name of Requesting Entity: Pinellas County Sheriff Office.

Address of Requesting Entity: 10750 Ulmerton Road, Largo FL 33778.

Description of Request: Provides $2,400,000 for a Law Enforcement Counterterrorism Test Bed. Civilian law enforcement professionals have unique skills in investigations, crime scene forensics and evidence gathering that are hard to find in the DOD. The test bed program allows DOD to increase an operational unit's ability to conduct 11 counterinsurgency and counterterrorism missions through interaction and training with the law enforcement community.

Account: Navy RDT&E.

Legal Name of Requesting Entity: SAIC.

Address of Requesting Entity: 360 Central Avenue, Suite 1370, St. Petersburg FL 33701.

Description of Request: Provides $1,600,000 for a Layered Surveillance/Sensing project. This program links advanced Navy and Marine Corps sensors, providing a layered network of real-time fire control quality data together with on-demand situational awareness information distributed across near real-time subnets. This will enhance the Marine Corps' ability to perform real-time battle surveillance as well as battle damage assessments.

Account: Navy RDT&E.

Legal Name of Requesting Entity: University of South Florida.

Address of Requesting Entity: 4202 East Fowler Avenue, Tampa FL 33620.

Description of Request: Provides $800,000 for a Lean Management System Research Initiative. This program helps military managers and leaders improve efficiency in business systems and practices by removing non-value activities to improve system performance. Cost savings will be realized by further lean systems research and implementation by US Air Force business leaders.

Account: Air Force Procurement.

Legal Name of Requesting Entity: SRI.

Address of Requesting Entity: 140 7th Avenue South, St. Petersburg FL 33701.

Description of Request: Provides $1,000,000 for a MacDill AFB Waterside Security System. This project seeks to develop a new networked, waterside surveillance and reporting system to provide waterside security for MacDill AFB. This will directly assist MacDill AFB in executing its anti-terrorism and force protection responsibilities in providing security for two vital combatant commands and two component commands directly involved in executing the Global War On Terrorism (GWOT).

Account: Army RDT&E.

Legal Name of Requesting Entity: SRI International.

Address of Requesting Entity: 140 7th Avenue South, St. Petersburg FL 33701.

Description of Request: Provides $800,000 for a Micro-systems Nanotechnology for Advanced Technology Development project. Microelectromechanical systems (MEMS) are small integrated devices or systems that combine electrical and mechanical components. This will continue funding research into new leading-edge microelectromechanical system (MEMS), microsensor and nanotechnologies that support warfighter needs. This initiative supports research, development and production of highly advanced microsystems and advanced materials for harsh environments in defense and homeland security applications.

Account: Navy Operation and Maintenance.

Legal Name of Requesting Entity: University of West Florida.

Address of Requesting Entity: 11000 University Parkway, Pensacola FL 32514.

Description of Request: Provides $800,000 for a Mobile Distance Learning for Military Personnel project. This program will provide alternative instructional systems, course, and certificates to enable deployed service members the same educational opportunities afforded while deployed or at home. This will help military personnel continue their education while deployed by providing mobile language learning initiatives.

Account: Army RDT&E.

Legal Name of Requesting Entity: Custom Manufacturing and Engineering.

Address of Requesting Entity: 2904 44th Avenue North, St. Petersburg FL 33714.

Description of Request: Provides $2,400,000 for Modular Universal Tactical Operations Center (TOC) Packages for Vehicles and Shelters. This project provides enabling design approaches to new ways of modularizing mission equipment into small reconfigurable and plug play packages that can be cost effectively installed in host Tactical Operations Center (TOC) platforms. This project develops, integrates, and demonstrates modular, reconfigurable TOC mission and support equipment into flexible host platforms so commanders can maintain pace with their forces and various platforms. 13

Account: Defense Wide Procurement.

Legal Name of Requesting Entity: Raytheon.

Address of Requesting Entity: 7401 22nd Avenue North Building D, St. Petersburg FL 33710.

Description of Request: Provides $2,000,000 for Multi-Band Multi-Mission Radio (MBMMR) which are the special operations standard man-portable tactical UHF frequency satellite communications terminal. It is the primary mission radio used by SOCOM units, providing worldwide and tactical connectivity. This program will procure an additional 400 MBMMR radios for U.S. Special Forces.

Account: Drugs Counter-Drugs And Drug Interdiction.

Legal Name of Requesting Entity: St. Petersburg College.

Address of Requesting Entity: 6021 142nd Avenue North, Largo FL 33760.

Description of Request: Provides $3,000,000 for Multi-Jurisdictional Counter-Drug Task Force Training (MCTFT). This program is a federally funded partnership with the Department of Defense's National Guard Bureau, the Florida National Guard and St. Petersburg College. This program offers in-depth courses covering aspects of counter-drug law enforcement using conventional classroom and scenario models as well as distance learning technologies.

Account: Army RDT&E.

Legal Name of Requesting Entity: Moffitt Cancer Center.

Address of Requesting Entity: 12902 Magnolia Drive Tampa, FL 33612.

Description of Request: Provides $6,000,000 for The National Functional Genomics Center. This new funding would establish a tissue bank and related bioinformatics database that will become the national standard for storing, retrieving, and updating tumor data, validating new molecular signatures, focusing on colon cancer, and promote academic, governmental and corporate collaborations.

Account: Navy RDT&E.

Legal Name of Requesting Entity: St. Petersburg College.

Address of Requesting Entity: 6021 142nd Avenue North, Largo FL 33760.

Description of Request: Provides $3,000,000 for the National Terrorism Preparedness Institute Anti-Terrorism/Counter-Terrorism Technology Development and Training project. This project provides the DOD with technology and training development in the four pillars of combating terrorism: intelligence support, counter-terrorism, anti-terrorism, and consequence management. The National Terrorism Preparedness Institute (NPTI) will continue to provide training to the DOD, emergency responders, and policy makers. This program will continue research and development of technology and training.

Account: Defense Wide RDT&E.

Legal Name of Requesting Entity: Revenge Advanced Composites.

Address of Requesting Entity: 12705 Clearwater Drive, Clearwater FL 33762.

Description of Request: Provides $2,400,000 for a Next Generation Scalable Lean Initiative. This program will expand the U.S. defense industrial base to manufacture large light weight monolithic structures (e.g., light weight, heat resistant flight decks) to satisfy the needs of USSOCOM and the U.S. Navy. SOCOM would like to partner with the private sector to do applied research and development to support scalable engineering and manufacturing capabilities for SOF platforms.

Account: Defense Wide RDT&E.

Legal Name of Requesting Entity: Coda Octopus.

Address of Requesting Entity: 100 14th Avenue S, St. Petersburg FL 33701.

Description of Request: Provides $1,600,000 for a Port and Hull Security 3D, Real Time Sonar System—Echoscope. This project will allow for 3D surveillance of ports and hulls to detect potential seaborne threats in the Global War on Terrorism. The Echoscope provides significant protection of fixed assets such as bridges, piers, harbors, underwater installations as well as vessels.

Account: Air Force RDT&E.

Legal Name of Requesting Entity: General Electric.

Address of Requesting Entity: 14200 Roosevelt Blvd, Clearwater FL 33762.

Description of Request: Provides $1,600,000 for Precision Image Tracking and Registration. Acquiring, tracking and striking multiple moving targets is an expressly stated operational requirement of U.S. Combatant Commanders. This program will continue to develop and operationally validate a highly reliable precision locating system with the capability to accurately track multiple moving targets of opportunity.

Account: Navy RDT&E.

Legal Name of Requesting Entity: Honeywell.

Address of Requesting Entity: 13350 U.S. Highway 19 North, Clearwater FL 33764.

Description of Request: Provides $1,600,000 for Precision Terrain Aided Navigation. The PTAN gives the tomahawk missile a redundant navigation capability in the event of GPS disruption. This project will provide on-missile mission planning and better navigation precision for the Tomahawk missile.

Account: Army RDT&E.

Legal Name of Requesting Entity: University of South Florida.

Address of Requesting Entity: 4202 East Fowler Avenue, Tampa FL 33620.

Description of Request: Provides $800,000 for Rehabilitation and Assistive Technologies to Enhance Life of Individuals with Disabilities. This program pursues research and development into advanced innovative assistive and rehabilitation technologies relating to traumatic battlefield injuries. Its goal is to develop technology for military veterans and civilian employees requiring prosthetic, orthotic or robotic services. This will improve the quality of life, increase functional independence, and community integration for our severely injured veterans.

Account: Navy RDT&E.

Legal Name of Requesting Entity: University of South Florida.

Address of Requesting Entity: 4202 East Fowler Avenue, Tampa FL 33620.

Description of Request: Provides $800,000 for Reparative Core Medicine. This program creates and expands a core laboratory with related support devoted to developing regenerative and cellular therapeutics to treat devastating diseases and injury from armed conflict. This will provide needed medical research relative to combat and civilian related injuries and the availability of red blood cell transfusions.

Account: Army National Guard.

Legal Name of Requesting Entity: Florida National Guard.

Address of Requesting Entity: 400 South Monroe St, Tallahassee FL 32399.

Description of Request: Provides $4,200,000 for a Second Civil Support Team for the State of Florida. This program would continue funding for a second Civil Support Team in Florida, and provide an increased response capability to match the potential terrorist and natural disaster threats in the state of Florida.

Account: Defense Wide RDT&E.

Legal Name of Requesting Entity: Concurrent Technologies Corporation.

Address of Requesting Entity: 7995 114th Avenue, Largo FL 33773.

Description of Request: Provides $1,600,000 for SOF Mission Training and Preparation Systems Interoperability. This project will enable conventional and special operations warfighters around the world to conduct real-time, virtual and interactive pre-combat rehearsals. SOF Mission Training and Preparation Systems includes all training, planning, preview, and rehearsal systems used by SOF regardless of whether they are used during mission execution, conduct of command and control, mission rehearsal or training.

Account: Defense Wide Operation & Maintenance.

Legal Name of Requesting Entity: Information Manufacturing LLC.

Address of Requesting Entity: 11300 Dr. M.L. King Jr. Street, Suite 315, St. Petersburg FL 33716.

Description of Request: Provides $800,000 for a SOCOM Enterprise Wide Data and Knowledge Management System. This program would address an urgent need to link SOCOM active legacy date repositories into a modern knowledge management system. Its goal is to build a robust and modern knowledge management system for SOCOM to better support information sharing.

Account: Army RDT&E.

Legal Name of Requesting Entity: General Dynamics.

Address of Requesting Entity: 11399 16th Court North, St. Petersburg FL 33716.

Description of Request: Provides $4,500,000 for the Super High Accuracy Range Kit (SHARK). This program has the potential to improve the accuracy of the 105mm artillery projectiles from the existing 200 meter circular error probable (CEP) to less than 10 meters. This technology incorporates proven GPS technology with a gun hardened Control

Actuator System (CAS) that has been successfully demonstrated on the 155mm Excalibur program.

Account: Defense Wide RDT&E.

Legal Name of Requesting Entity: Global Technical Services.

Address of Requesting Entity: 6901 Bryan Dairy Road, Largo FL 33777.

Description of Request: Provides $1,600,000 for an X-Band/W-Band Solid State Power Amplifier. This program will design, develop and test a solid state power amplifier at X-Band/W-Band to replace the current Traveling Wave Tubes (TWT), in order to provide a higher mean time before replacement.

Requesting Member: Congressman C.W. BILL YOUNG.

Bill Number: H.R. 2638—Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: FEMA.

Legal Name of Requesting Entity: Pinellas County Board of County Commissioners.

Address of Requesting Entity: 315 Court Street, Clearwater FL 33756.

Description of Request: Provides $1,000,000 for infrastructure hardening of the Pinellas County facility housing its Emergency Medical Services operations, which in times of emergency serves as the countywide base-of-operations.

ECONOMY

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Ms. JACKSON-LEE of Texas. Madam Speaker, the United States economy has spiraled downward within the last few years of the Bush administration. Sadly, the state of the U.S. economy has worsened as a result of recent crises, such as the impending mortgage crisis, financial crisis on Wall Street, and Hurricane Ike, which has inflicted hardship upon the people of Houston. Consumers are finding that their wages have decreased, yet food and gasoline prices have been steadily rising.

By the end of the year it has been estimated that 15 million Americans could have mortgages worth more than the value of their homes. It is absurd that home prices could fall enough to produce about 20 million Americans with a negative equity. While there is not much time to take action, Congress must act responsibly.

A crisis of this magnitude requires a significant bipartisan response, but Democrats will work to protect American taxpayers from undue exposure and believe a properly designed legislative package could ultimately allow taxpayers to be paid back for this emergency measure.

The Congress will not simply hand over a $700 billion blank check to Wall Street and hope for the best. Not after having pushed for greater oversight, regulation and accountability from Wall Street for years while the Bush administration refused to take action. Congress must implement strict limitations and restrictions along with rigorous oversight over any and all monies disbursed, as well as new regulations. We must work together to strengthen our economy and conduct vigorous oversight.

It is imperative that Congressional committees hold a series of hearings that will examine the Bush administration's mismanagement of financial market regulation and how it led us to this remarkable failure. Wall Street CEOs should not be pocketing millions while taxpayers are forced to bail them out. Democrats will continue to work to secure reasonable limits on executive compensation for CEOs and other top executives

I came across a quote that I would like to share with everyone from the former chairman of AT&T: "The ancient Romans had a tradition: whenever one of their engineers constructed an arch, as the capstone was hoisted into place, the engineer assumed accountability for his work in the most profound way possible: he stood under the arch." There needs to be accountability somewhere, especially since the American people are going to be paying for the mistakes of Wall Street with or without a bailout.

The Federal bailout of the U.S. mortgage market is going to cost the government upwards of $700 billion. The mortgage bailout is more than the war in Iraq has cost the U.S. Government thus far. To put that number in perspective, it amounts to more than the GDP of Turkey and only modestly smaller than that of Australia.

Additionally, there have been unforeseen costs which have been incurred over the past few years due to natural disasters such as the recent Hurricane Ike. Houston and the other affected areas suffered a minimum of $6 billion and as much as $16 billion in property damage. That estimate does not include the cost of inland flooding, a type of damage not covered by conventional insurance policies.

Due to insurance companies pulling out of the Gulf coast after previous hurricanes, the state-led insurance pool must pay much of the cost, yet only has $2.3 billion, leaving the state of Texas potentially responsible for billions of dollars in claims. Due to hurricane Ike, gas prices have surged in Texas and the impact of Hurricane Ike will be felt throughout America. Oil refineries near Houston provide more than 20 percent of the transportation fuel used in the U.S. Many of the operations were shut down in anticipation of the storm's arrival and gasoline prices jumped in parts of the country as a result.

The American people are struggling as it is to pay their mortgages, feed their families, fill their cars with gas and find employment. More than a week after Hurricane Ike passed through, there are still parts of the Houston metropolitan area without electrical power and it may take weeks to restore normal life in the most devastated areas, like Galveston.

In order to get the U.S. economy back on track we must work in a bipartisan manner. Nevertheless, Americans ought not forget the catastrophic choices of the last eight years under Republican leadership, choices that led to financial meltdown, massive job losses, a disastrous energy policy that prioritizes oil company profits over people, skyrocketing health care costs, a costly war that should never have been waged, and a surplus turned into a deficit that will burden generations to come.

It is a necessity that the government create jobs through investment in our Nation's infrastructure, extend unemployment benefits, ensure families don't go hungry with food stamp assistance, make certain that Americans do not lose health coverage as a result of State budget crises, provide additional foreclosure assistance to families and make home heating assistance available at a time of record energy prices. Americans are suffering and this decision must be hard thought and given much deliberation.

EARMARK DECLARATION

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. KING of New York. Madam Speaker, I submit the following:

Bill Number: H.R. 2638.

Account: Military Construction, Air National Guard.

Legal Name of Requesting Entity: New York National Guard.

Address of Requesting Entity: 330 Old Niskayuna Road, Latham, NY 12110.

Description of Request: $7.5 million will be used to construct Phase II of the Pararescue Facility. The use of taxpayer dollars is justified because The Francis Gabreski Air National Guard Base improves pararescue operations and survival equipment functions on Long Island.

Bill Number: H.R. 2638.

Account: Other Procurement, Navy.

Legal Name of Requesting Entity: Curtiss-Wright Flow Control Corporation.

Address of Requesting Entity: 1966E Broadhollow Road, E. Farmingdale, NY 11735.

Description of Request: $2.4 million will be used to sustain production and enable the timely installation of JP–5 Electric Valve Operators (EVOs) on CVN aircraft carrier aviation fueling systems. The use of taxpayer funds is justified because it will improve the safety and reliability of carrier fuel system operations.

Bill Number: H.R. 2638.

Account: Defense-Wide—RDT&E, N (MC) Research, Development, Test and Evaluation, Navy (Marine Corps).

Legal Name of Requesting Entity: American Defense Systems, Inc.

Address of Requesting Entity: 230 Duffy Avenue, Hicksville, NY 11801.

Description of Request: $1.2 million will be used to develop a new ballistic helmet for the war fighter, capable of defeating a defeating a standard AK–47, 7.62x39 mm mild steel core round to replace the current helmet. The use of taxpayer funds is justified because this new helmet will help to increase the safety of our troops by reducing the number of helmet penetrations caused by the most common theater round.

Bill Number: H.R. 2638.

Account: Aircraft Procurement, Army.

Legal Name of Requesting Entity: New York National Guard.

Address of Requesting Entity: 330 Old Niskayuna Road, Latham, NY 12110.

Description of Request: $1.6 million will be used to purchase five STAR II forward looking infrared systems and six Quick Fielding Rapid Install (QFRI) Kits to be distributed at flight facilities throughout NY State. The use of taxpayer funds is justified because the use of this system has meant the difference between life and death for wounded or injured patients.

Bill Number: H.R. 2638.

Account: Military Construction, Air National Guard.

Legal Name of Requesting Entity: New York National Guard.

Address of Requesting Entity: 330 Old Niskayuna Road, Latham, NY 12110.

Description of Request: $2.955 million will be used for the establishment of an additional Civil Support Team. This team, located within the New York City metropolitan area, ensures that the top terrorist target in the country, New York City, has an immediate and prepared asset, ready at a moments notice, if a chemical, biological, radiological, nuclear, high explosive, CBRNE, incident were to occur.

Bill Number: H.R. 2638.

Account: Science and Technology Research, Development, Acquisition and Operations.

Legal Name of Requesting Entity: Applied Science Center of Innovation and Excellence in Homeland Security Research Foundation, Corporation.

Address of Requesting Entity: 111 West Main Street, Bay Shore, NY 11706.

Description of Request: $2 million will be used to establish a DHS S&T Directorate pilot program to identify and transition advanced technologies. The use of taxpayer dollars is justified because S&T needs the capability to identify and transition advanced technologies and manufacturing processes that would achieve significant productivity and efficiency gains in the homeland security industrial base.

Bill Number: H.R. 2638.

Account: NPPD Infrastructure Protection and Information Security.

Legal Name of Requesting Entity: Manhole Barrier Security System.

Address of Requesting Entity: 400 Garden City Plaza, Suite 204, Garden City, NY 11530.

Description of Request: $3 million will be used to complete an inventory of critical underground infrastructure in major urban areas, identify access points and demonstrate low cost, self contained technologies. The use of taxpayer dollars is justified because this project will demonstrate low cost, self-contained technologies that can deter unauthorized access while allowing authorized access to critical underground infrastructure.

Bill Number: H.R. 2638.

Account: FEMA Predisaster Mitigation.

Legal Name of Requesting Entity: NY State Emergency Management Office.

Address of Requesting Entity: Building 22, Suite 101, State Office Campus, 1220 Washington Avenue, Albany, NY 12226.

Description of Request: $1 million will be used to expand the reach and capabilities of NY–ALERT, which is the State's all hazard, web-based, alert and notification portal. The use of taxpayer dollars is justified because the enhancements will allow for faster dissemination and notification to the public in the event of an emergency incident.

SUNSET MEMORIAL

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. FRANKS of Arizona. Madam Speaker, I stand once again before this House with yet another Sunset Memorial.

It is September 24, 2008 in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That's just today, Madam Speaker. That's more than the number of innocent lives lost on September 11 in this country, only it happens every day.

It has now been exactly 13,029 days since the tragedy called Roe v. Wade was first handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of its own children. Some of them, Madam Speaker, cried and screamed as they died, but because it was amniotic fluid passing over the vocal cords instead of air, we couldn't hear them.

All of them had at least four things in common. First, they were each just little babies who had done nothing wrong to anyone, and each one of them died a nameless and lonely death. And each one of their mothers, whether she realizes it or not, will never be quite the same. And all the gifts that these children might have brought to humanity are now lost forever. Yet even in the glare of such tragedy, this generation still clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims, those yet unborn.

Madam Speaker, perhaps it's time for those of us in this Chamber to remind ourselves of why we are really all here. Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government." The phrase in the 14th amendment capsulizes our entire Constitution. It says, "No State shall deprive any person of life, liberty or property without due process of law." Madam Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here.

The bedrock foundation of this Republic is the clarion declaration of the self-evident truth that all human beings are created equal and endowed by their Creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core, self-evident truth.

It has made us the beacon of hope for the entire world. Madam Speaker, it is who we are.

And yet today another day has passed, and we in this body have failed again to honor that foundational commitment. We have failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them.

So Madam Speaker, let me conclude this Sunset Memorial in the hope that perhaps someone new who heard it tonight will finally embrace the truth that abortion really does kill little babies; that it hurts mothers in ways that we can never express; and that 13,029 days spent killing nearly 50 million unborn children in America is enough; and that it is time that we stood up together again, and remembered that we are the same America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust; and we are still courageous and compassionate enough to find a better way for mothers and their unborn babies than abortion on demand.

Madam Speaker, as we consider the plight of unborn America tonight, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each one of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of innocent unborn children. May that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect these, the least of our tiny, little American brothers and sisters from this murderous scourge upon our Nation called abortion on demand.

It is September 24, 2008, 13,029 days since Roe v. Wade first stained the foundation of this Nation with the blood of its own children; this in the land of the free and the home of the brave.

EARMARK DISCLOSURE

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2008

Mr. SHAYS. Madam Speaker, in compliance with Republican Conference earmark disclosure requirements, I would like to submit the following statement for the RECORD.

Bill Number: H.R. 2638—Consolidated Security, Disaster Assistance, and Continuing Appropriations Act

1. Account: Military Construction, Air NG.

Legal Name of Requesting Entity: Connecticut Air National Guard located at Bradley, International Airport, Connecticut.

Address of Requesting Entity: Bradley International Airport, Schoephoester Road, Windsor Locks, CT 6096.

Description of Request: Along with Congresswoman DELAURO, Congressman COURTNEY, Congressman LARSON, and Congressman MURPHY, I received an earmark of $7,200,000 for construction of an engine shop at Bradley International Airport to support the unit's assigned mission of providing an engine Centralized Immediate Repair Facility capability and also provide the capability for a Joint Cargo beddown. The engines maintained will support the mission operations of A–10 aircraft equipped units in the Air Force and the Air National Guard.

Federal funding will be used to construct the new engine facility, which is required to support 78 PAA equivalents, in addition to parts storage, additional engine storage, shipping and receiving, personnel training and administrative support areas.

The current facility lacks adequate space and engine docks to conduct intermediate engine repair. It does not have adequate parts storage areas, shipping and receiving capabilities and administrative and training areas for the increased manpower necessary to handle the over three-fold increase in assigned workload. The existing facility also lacks adequate parking and existing base road violates the anti-terrorist force protection standoff requirements.

2. Account: Department of Defense, NSDF, RRF.

Legal Name of Requesting Entity: Massachusetts Maritime Aquarium.

Address of Requesting Entity: 101 Academy Drive, Buzzards Bay, MA 02532.

Description of Request: Along with Congressman DELAHUNT, Congressman OLVER, and Congresswoman TSONGAS, I received an earmark of $10,000,000 to complete the training ship, the *Enterprise*, used by students at the Massachusetts Maritime Academy.

Federal funding will be used to complete the conversion of the training ship to its original planned cadet and officer/crew accommodation level. State maritime academy training ship conversions have traditionally been financed through appropriated funding, and the Academy has no other way to fund the retrofit of this federal Government-owned vessel.

All state academy training ships, including the *Enterprise*, are part of the U.S. Maritime Administration's national emergency response plan and can be used to berth first responders and other key disaster recovery personnel in the wake of a natural disaster or terrorist attack.

3. Account: Department of Defense, RDTE, DW.

Legal Name of Requesting Entity: L-1 Identity Solutions.

Address of Requesting Entity: 177 Broad Street, 12th Floor, Stamford, Connecticut 06901.

Description of Request: I received an earmark of $1,600,000 to provide operational enhancements and technology improvements to biometrics-based identification tracking and analysis capabilities in order to ensure real-time actionable intelligence to the warfighter, as well as to the broader combating terrorism community.

Federal funding will be used for the research, development and demonstration of an identity-based data capturing and management system. Enhanced data capture and management would entail further research and development of biometrics stand-off capabilities, as well as in improving the interoperability and portability of these biometrics-based data systems.

This project addresses a critical requirement of the military intelligence community to accurately identify and track persons of interest in the battlespace, at military installations or in other critical, highly secured areas and facilities.

4. Account: Department of Defense, OM, ARNG.

Legal Name of Requesting Entity: Advanced Power Systems International.

Address of Requesting Entity: 339 Main Street, Torrington, Connecticut 06790.

Description of Request: I received an earmark of $800,000 to upgrade Air National Guard vehicles. This upgrade will result in fuel savings as well as a reduction in the harmful atmospheric particulate matter produced by vehicle exhaust.

Federal funding would be used to purchase retrofit devices, which will have a savings in annual maintenance expenses due to a cleaner burning fuel.

This fuel catalyst device would make significant reductions in fuel consumption by 1.4 million gallons per year resulting in significant operational savings of $4.65 million annually at $2.50 per gallon. In addition to burning less fuel, the installation of the Fuel Catalyst device will result in a significant reduction in Greenhouse Gas production and saving over 14,000 metric tons of CO2 per year along with the reduction of other atmospheric particulate matter contributing to smog.

5. Account: Department of Defense, RDTE, A.

Legal Name of Requesting Entity: DRS Fermont.

Address of Requesting Entity: 14 North Avenue in Bridgeport, CT 06606.

Description of Request: I received an earmark of $800,000 for a demonstration program to generate power and air-conditioning from a single unit.

Federal funding will be used to create an Advanced Technology Demonstrator that provides heating, cooling, and exportable power that is in one package. That demonstrator could be used by the Army to assist with requirements determination and analysis of alternatives. The result would be fuel savings, lower O&S costs and reduced footprint.

In July 2007, the Defense Science Board Task Force on DoD Energy Strategy observed that energy logistics is a significant financial burden on US Armed Forces: specifically, (1) 70% of warfighting logistics by weight is fuel; (2) fuel convoys for powering generators and batteries create large, vulnerable footprints; and (3) supplying fuel to front lines requires considerable protection. In addition, it is widely believed the majority of the Army's generator capacity is used to power ECU's.

6. Account: Department of Defense, RDTE, AF.

Legal Name of Requesting Entity: United Technologies Corporation (UTC).

Address of Requesting Entity: 411 Silver Lane; M/S 129—88, East Hartford, CT 06108.

Description of Request: I received an earmark of $4,000,000 to develop and demonstrate high temperature gas turbine airfoils using fiber-reinforced ceramic matrix composite (CMC) technology, for advanced military gas turbine engines for F135 (JSF Growth).

Federal funding will be used to accelerate the development of this new class of materials with significant potential DoD benefits. Recent studies have shown that CMC 3rd blades in the F135 growth engine has the potential to save more than 42 pounds of engine weight and lead to consequent cooling air savings of 1.67%, leading to significant performance improvement and fuel savings.

As this is a research and development project, which is not yet under contract, a detailed budget breakdown is not yet available. Nearly all of the funding would be dedicated to engineering work.

7. Account: Department of Defense, RDTE, AF.

Legal Name of Requesting Entity: Northrop Grumman Corporation.

Address of Requesting Entity: 1000 Wilson Boulevard, Arlington, VA 22209.

Description of Request: Along with Congressman WELDON, I received an earmark of $20,000,000 for the Multi-Platform Radar Technology Improvement Program (MP–RTIP) Integration and Test on Joint Surveillance Target Attack Radar System (JSTARS) project.

The JSTARS (E–8) was the original platform designated for MP–RTIP and the radar can be transferred back to JSTARS with minimal risk. The MP–RTIP radar is modular and scaleable in design, enabling the Air Force to share development efforts between the smaller radar intended for the Global Hawk and a larger radar for a larger aircraft like the E–8. More importantly, the large radar can detect and track targets with a much smaller radar signature—such as a cruise missile or small targets on the ground. Therefore, the large radar will provide unique capabilities for the ongoing war on terrorism and for current and emerging cruise missiles threats for decades to come.

Federal funding will be used for project development and procurement and will ensure this vital weapon still remains viable and continues to support the joint warfighter. Joint STARS is a unique Intelligence, Surveillance, and Reconnaissance system that supports both asymmetric and conventional warfare. Without the large MP–RTIP radar, U.S. and coalition forces are exposed; the E–8 equipped with MP–RTIP will increase the mission effectiveness of our troops in the defense against cruise missiles, conducting the war on terrorism, and in future conflicts.

8. Account: RDTE, A.

Legal Name of Requesting Entity: United Technologies Corporation (UTC).

Address of Requesting Entity: 411 Silver Lane; M/S 129—88, East Hartford, CT 06108.

Description of Request: Along with Congresswoman DELAURO, and Congressman COURTNEY, I received an earmark of $2,400,000 to develop a vehicle wide scaled armor protection system for cargo and troop transport helicopters to reduce their vulnerability to small arms fire. With the funding, UTC will accelerate a statistical design system based on battle field experience that can be used to guide the placement and scaling of new armor systems. Light weight ballistic material systems, based on novel ceramic materials, can be appropriately and selectively scaled and integrated into the helicopter to significantly decrease the vulnerability while minimizing the impact on payload and mission. The solution needs to include sensitivity to direction, stand off distance, obliquity and type of threat. The armor could then be customized and integrated to provide effective ballistic protection. This solution would limit the weight impact of reduced vulnerability while maintaining the mission capability of the vehicle.

As this is a research and development project, which is not yet under contract, a detailed budget breakdown is not yet available. Nearly all of the funding would be dedicated to engineering work.

THE COACH—KEVIN MAZEIKA

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2008

Mr. POE. Madam Speaker, the lessons learned through the advice of a mentor or coach are often invaluable. For those involved in athletics, a coach's guidance reaches far beyond game time. The leadership of a coach not only improves an athlete's performance but works to instill values of hard work and discipline. Texas native Kevin Mazeika continues this tradition as an internationally recognized gymnastics coach. I would like to honor Kevin for representing the state of Texas and our country, with honor and dignity during the 2008 Olympic Games in Beijing, China as the head coach of the USA men's Olympic Gymnastic Team.

Since 1988 Kevin Mazeika has been on the USA National Gymnastics coaching staff. His own personal coach and mentor Bill Meade inspired him to also pursue coaching. Following

his own stint as a Saluki gymnast at Southern Illinois University, Kevin's personal understanding of the sport is unique.

Representing the U.S. in over 40 international competitions, he is America's most successful Olympic and World Championship coach. His twenty-four year coaching career has resulted in his being awarded numerous awards from his noteworthy positions. He has achieved his great success through much hard work, determination and perseverance. He has established himself as an outstanding coach and community leader. Athlete, leader, father-figure, competitor, a credit to his community, to Texas, and to our nation; Kevin Mazeika has earned his place among the elite of his profession.

At this year's 2008 Olympic Games held in Beijing, China, Coach Mazeika led the USA team to a bronze medal in gymnastics. His stalwart victory follows his previous coaching success at the 2004 Olympic Games in Athens where the team received a silver medal. His friends, family and team mates should all be proud of his accomplishments, as we look forward to his coaching future.

Currently, he owns and operates Mazeika's Elite Gymnastics where aspiring gymnasts continue to benefit from his guidance. For his exemplary contributions to the sport of gymnastics and the athletes he coaches, I commend Kevin Mazeika. I applaud his remarkable career as he continues to represent our nation on the international stage.

And that's just the way it is.

EARMARK DECLARATION

HON. ROSCOE G. BARTLETT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2008

Mr. BARTLETT of Maryland. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 2638, FY 09 Defense Appropriations as part of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009. The list is as follows:

Bill Number: H.R. 2638.

Account: RTD&E Army Combat Vehicle and Automotive Advanced Technology.

Legal Name of Requesting Entity: Volvo Powertrain of North America.

Address of Requesting Entity: 13302 Pennsylvania Ave, Hagerstown, MD 21742.

Description of Request: Funded $2.4 million to build, test, and evaluate up to five heavy tactical trucks with hybrid electric powertrain. The integrated hybrid drive system will be specifically tailored to the M915 line-haul tractor or other heavy trucks selected by the Army. The program's goal is to provide the military with more fuel efficient, cleaner and easily maintained heavy truck powertrain.

Bill Number: H.R. 2638.

Account: RDT&E Air Force.

Legal Name of Requesting Entity: Proxy Aviation Systems.

Address of Requesting Entity: 12850 Middlebrook Road, Germantown, MD 20874.

Description of Request: Multiple UAS cooperative concentrated observation and engagement against a common ground objective. This program was funded $4.4 million to provide requirement for operational need from CENTAF for a UAS cooperative engagement capability and a standing objective requirement for Predator to operate up to eight air vehicles simultaneously from a single ground station. This will increases effectiveness of current fleet of UAVs by enabling multiple UAVs to cooperate in the same airspace and dynamic mission execution.

Bill Number: H.R. 2638.

Account: RTD&E Navy Shipboard System Component Development.

Legal Name of Requesting Entity: Northrop Grumman Corporation.

Address of Requesting Entity: 1840 Century Park East, Los Angeles, CA 90067-2199.

Description of Request: Power Dense Integrated Power System for CG(X) was funded $3.0 million to continue the development of a power dense integrated power system (IPS) suitable for surface combatant main power generation, distribution and conversion. These developments will facilitate removing 20% of existing system weight and cost, enabling a increase in combatant payload capacity. Contractor activity will be performed at Northrop Grumman Electronic Systems, Marine Systems at 7301 Sykesville Rd, Sykesville, MD 21784.

Bill Number: H.R. 2638.

Account: Procurement, Defense-Wide.

Legal Name of Requesting Entity: Smiths Detection.

Address of Requesting Entity: 2208 Lakeside Blvd., Edgewood, MD 21400.

Description of Request: Joint Chemical Agent Detector Program was funded $4.0 million to provide advanced detection and warning, identification of contamination on personnel and equipment, and monitoring for presence of chemical warfare agent and toxic industrial chemical contamination. This project will ensure that Maryland National Guard and other guard units receive the latest chemical warfare agent and toxic industrial detector in their hands.

Bill Number: H.R. 2638.

Account: RTD&E Navy Advanced Submarine System Development.

Legal Name of Requesting Entity: Chesapeake Sciences Corporation.

Address of Requesting Entity: 1127B Benfield Blvd., Millersville, MD 21108.

Description of Request: Submarine Fatline Vector Sensor Towed Array was funded $800 thousand to provide the fabrication, assembly and test of a prototype 96-element vector sensor fatline submarine towed array. It would also include testing and data analysis to show that Vector Sensor towed arrays provide a cost effective means to achieve significant improvement in detection, fire control, and self-defense capabilities for our submarine fleet.

Bill Number: H.R. 2638.

Account: Defense-Wide, RTD&E Microelectronic Technology Development and Support.

Legal Name of Requesting Entity: Northrop Grumman Corporation.

Address of Requesting Entity: 1580A W. Nursery Rd., Linthicum, MD 21090.

Description of Request: Scalable Topside Array Radar (STAR) Demonstrator funded for $800 thousand to develop and build a STAR to validate performance and reduce cost/risk of next generation surface ship radar systems. This program directly supports the Navy's plan for an aggressive radar competition to help reduce the cost of next generation platforms such as the CG(X) cruiser.

Bill Number: H.R. 2638.

Account: RTD&E Army Combat Vehicle and Automotive Advanced Technology.

Legal Name of Requesting Entity: Patrick Power Products, Inc.

Address of Requesting Entity: 6679-C Santa Barbara Rd, Elkridge, MD 21075.

Description of Request: Rotary, Multi-Fuel, Auxiliary Power Unit Development Program was funded for $2.4 million to continue advancement of the company's auxiliary power unit technology to address the needs that the Army put forward. The RMF-APU development work has progressed to a point where the Army has accepted delivery of an RMF-APU from the company for fir check and demonstration in the M1 Abrams Main Battle Tank. The auxiliary power unit under consideration as a retrofit for the [Abrams] tank would reduce the Abram's battlefield fuel demand by as much as 50%. This would cut the Abrams daily fuel use in Iraq from $30 million to $15 million.

Bill Number: H.R. 2638.

Account: RTD&E Army Weapons and Munitions Advanced Technologies.

Legal Name of Requesting Entity: ATK.

Address of Requesting Entity: 5050 Lincoln Drive, Edina, MN 55436.

Description of Request: Advanced Fuzing Technologies was funded $3.6 million based on lessons learned in both Operation Enduring freedom and Operation Iraqi Freedom. These lessons highlighted the need for multi-purpose 105 mm and 120 mm tank ammunition to effectively engage a wide variety of targets other than enemy tanks. Multimode fuzing technologies are needed, including point-detonation with variable delay and enhanced airburst functionality at extended range. In order to address advanced 105mm and 120mm tank ammunitions requirements, funds are needed now to mature designs and support the evolution of these munitions.

Bill Number: H.R. 2638.

Account: RTD&E Navy Surface Combatant Combat System Engineering.

Legal Name of Requesting Entity: DRS Power Technology.

Address of Requesting Entity: 166 Boulder Drive, Suite 201E, Fitchburg, MA 01420.

Description of Request: DDG51 Class Permanent Magnet Hybrid Electric Propulsion System was funded $7.6 million to development hybrid propulsion drive for navy combatants. With the installation of hybrid electric drive, the hybrid motors will be operated for ship propulsion at speeds less than 13 kts and as a generator for propulsion-derived ship service electrical power at speeds of 13kts and above. The Navy RDT&E funds will design and build a hybrid electric drive prototype system for insertion and testing at the Navy Land Based test site. Development and demonstration of a prototype DDG51 hybrid electric drive system will enable fuel savings, return of investment, and warfighter advantages.

Bill Number: H.R. 2638.

Account: RDT&E Navy force Protection Advanced Technology.

Legal Name of Requesting Entity: DRS Power and Control Technologies, Inc.

Address of Requesting Entity: 4265 North 30th St., Milwaukee, WI 53216.

Description of Request: Solid state DC Protection System was funded $1.2 million to provide a solid state DC circuit breaker protection

prototype. All-electric propulsion Navy Combatant presents a strategic advantage in today's world of increasing fuel prices and reliance upon foreign oil. The SSDCP will result in 10,000 times lower fault energy which protects personnel and equipment, while reducing chance of fire. Additionally, it provides greater survivability and mission effectiveness and lower acquisition cost and lower lifetime maintenance costs.

Bill Number: H.R. 2638.

Account: RTD&E Army Military Engineering Advanced Technologies.

Legal Name of Requesting Entity: Convanta Energy.

Address of Requesting Entity: 40 Lane Road, Fairfield, NJ 07004.

Description of Request: Conversion of Municipal Solid Waste to Renewable Diesel was funded for $1.6 million to provide an assessment of commercially-available technologies and examine existing best practices for using municipal solid waste, and potentially other feedstocks, to create renewable diesel. This funding will also research and test catalytic and non-catalytic systems to convert organic materials into renewable diesel that meets stringent EPA requirements for low sulfur content, resulting in a cleaner burning fuel and added environmental benefits.

RECOGNIZING THE IMPORTANCE OF ESTABLISHING A NATIONAL FALLS PREVENTION AWARENESS DAY

HON. TIM MAHONEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2008

Mr. MAHONEY of Florida. Madam Speaker, I rise today in support of a resolution introduced by my colleagues Reps. FRANK PALLONE and RALPH HALL that will create National Falls Prevention Awareness Day. This day will raise awareness and encourage all of us to do more to prevent elder falls.

More than one-third of adults 65 and older fall every year. And almost 2 million of them end up in the emergency room as a result. Falling is also the leading cause of both fatal and nonfatal injuries for those 65 and over.

In fact, according to the National Falls Free Coalition, 436 people fall per year and die as a result—in Florida ALONE. With the baby boomers aging, the U.S. Census Department estimates there will be almost 55 million Americans aged 65 and older by 2020. What's more, the CDC projects that direct treatment costs from older adult falls will escalate to $43.8 billion annually by 2020. This is unacceptable. Older adults living in America deserve more attention.

It is our responsibility to promote awareness of this important public health problem in an effort to reduce the incidence of falls among older Americans.

I hope that you will join me in recognizing the importance of establishing a National Falls Prevention Awareness Day to raise awareness and encourage prevention of falls among older adults. More funding, research and community pilot programs will hopefully follow, and that is our ultimate goal.

HONORING SEAN DOUGLAS LAWRENCE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Sean Douglas Lawrence of Kansas City, Missouri. Sean is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1260, and earning the most prestigious award of Eagle Scout.

Sean has been very active with his troop, participating in many scout activities. Over the many years Sean has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Sean Douglas Lawrence for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

A TRIBUTE IN RECOGNITION OF THE 25TH ANNIVERSARY OF THE ASIAN PACIFIC AMERICAN LEGAL CENTER OF SOUTHERN CALIFORNIA

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2008

Ms. ROYBAL-ALLARD. Madam Speaker, I rise today to recognize the Asian Pacific American Legal Center of Southern California, an organization based in Downtown Los Angeles in my 34th Congressional District, on the occasion of its 25th Anniversary.

The Asian Pacific American Legal Center of Southern California (APALC) is Southern California's leading organization dedicated to providing the growing Asian American and Pacific Islander (AAPI) community with multilingual, culturally-sensitive, legal services and education.

APALC was founded in 1983 by civil rights attorney Stewart Kwoh. In founding APALC, Mr. Kwoh envisioned an organization that would be an effective regional progressive voice and organizational leader focused on solving the problems of racial discrimination and exploitation of low-income workers in certain employment sectors such as the garment industry. In addition to increasing access to legal services and education for the poor, his mission also included improving inter-group relations within the diverse AAPI community as well as among other ethnic groups to address common problems and concerns.

With this vision and under his leadership, APALC has become a key advocate for poor and limited-English proficient (LEP) AAPIs, immigrants, and other community members in Southern California and throughout the state. Over the past 25 years, APALC has assisted more than 200,000 individuals and organizations through its direct services, impact litigation, policy and advocacy, and leadership development.

In the area of direct services, APALC offers the multilingual intake of information through its Asian language hotline. The center offers legal counseling, education and representation in the areas of family law and domestic violence, employment, consumer law, immigration, government benefits and housing. As a member of the Appropriations Committee, it has been my pleasure to assist APALC in obtaining federal funds for technology upgrades in its domestic violence services unit.

In the area of policy and advocacy, APALC has been involved in a wide range of civil rights issues, including hate crimes monitoring, police/community relations, voting rights and immigrant rights. Through statewide collaborations, APALC has helped secure key victories such as welfare programs for elderly immigrants as well as translated contracts and bilingual ballots for LEP Asians. APALC also conducts demographic research, including data collection and analysis, to make data more accessible to the growing AAPI community and the organizations that serve it.

In its ''impact litigation'' area, APALC has achieved key legal victories. A notable landmark APALC victory resulted in a federal decision establishing retail and manufacturer liability for the wages and working conditions of garment workers hired by contractors and subcontractors in the case of dozens of Thai garment workers who were enslaved in a garment sweatshop in El Monte. APALC has also led or participated in other important civil rights cases, involving English-only workplace policies and city ordinances, education inequality at state universities, redress payments for World War II Japanese American internees, racially discriminatory employment and promotion practices, and unfair business practices.

Finally, APALC's leadership development efforts include more pro-active programming designed to develop and strengthen community advocates who can identify and find resolutions to community concerns. This programming includes the Leadership Development in Inter-ethnic Relations (LDIR) program, which equips community and student leaders with skills to collaborate across racial and other boundaries. APALC also conducts leadership development programs focused on AAPI youth through its Preparing Asian Pacific American Youth Advocates (PAPAYA), an afterschool program at high schools in the San Gabriel Valley. The youth program also works to develop parent leaders to become advocates in their children's education.

Madam Speaker, on the occasion of APALC's 25th Anniversary, I join today with fellow leaders throughout my state in recognizing Stewart Kwoh and APALC for their commendable accomplishments advocating on behalf of the Asian American and Pacific Islander (AAPI) community, and I wish them many years of continued success ahead.

EARMARK DECLARATION

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2008

Mr. SMITH of New Jersey. Madam Speaker, I submit the following:

Requesting Member: Rep. CHRISTOPHER H. SMITH

Bill Number: HR 2638.

Account: Research, Development, Test and Evaluation, Defense-wide Account.

Legal Name of Requesting Entity: the Gallo Prostate Cancer Center, University of Medicine and Dentistry of New Jersey.

Address of Requesting Entity: Cancer Institute of New Jersey, 195 Little Albany & Somerset St., Room 2002, Newark, NJ 08901–1998.

Description of Request: Funding support is requested for key projects for the Cancer Institute of New Jersey to address national goal of eradicating cancer, including prostate cancer which is the second leading cause of cancer death in American men. Our proposed initiatives are The Dean and Betty Gallo Prostate Cancer Center, which seeks to eradicate prostate cancer through research, treatment, education and prevention; the Center for Imaging, Structures and Function, which will provide state of the art image analysis crucial to the overall applications of cancer research; a Center for Cancer Bioinformatics, which combines theoretical biology, computer science, mathematics and physics with cancer research expertise; the LIFE Center, which coordinates efforts in the eradication of breast cancer; and our plans to merge and enhance the radiation oncology capabilities to create a unified, academically and clinically strong program for the citizens of New Jersey.

By targeting breast and prostate cancer, through developing novel cancer bioinformatics approaches to identify new biomarkers for therapy and prevention and through developing new technologies and approaches in molecular imaging, computational, informatics and systems biology, this project will contribute to the national goals of the elimination of death and suffering from cancer and to the enhanced discovery, development and delivery of novel means of cancer diagnosis, prevention and treatment.

Detailed Financial Plan:

The total cost of this program has been valued at $2.4 million and funding will go toward:

1. Personnel Costs: $1,339,990.

2. Equipment: $643,197.

ABI Prism 7900 HT with Robot (SNP analysis): $126,275.

Web and Database Servers: $6,991.

Micro PET, CT, High speed cell sorters: $249,942.

Confocal Microscope. Lasers, workstations: $196,622.

Computer pilot modules for testing: $758.

Video conference equipments for case research: $62,609.

3. Consultant Costs: $28,756.

4. Supplies: $153,934.

Molecular Biology Reagents, antibodies, cell culture reagents, animal costs, chemicals, dissecting instruments: $97,520.

Flourescent labeled primers , enzymes, PCR kits: $4,240.

Invitrogen, well plates, cell lifters, toxins, lab and chemical supplies: $52,174.

5. Travel for Principal Investigators: $14,298.

6. Other Expenses: $219,825.

HONORING MATTHEW JOSEPH DOETZL

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Matthew Joseph Doetzl of Kansas City, Missouri. Matthew is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1261, and earning the most prestigious award of Eagle Scout.

Matthew has been very active with his troop, participating in many scout activities. Over the many years Matthew has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Matthew Joseph Doetzl for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

EARMARK DECLARATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2008

Mr. BARRETT of South Carolina. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of the House amendments to Senate amendments to H.R. 2638, Consolidated Security, Disaster Assistance and Continuing Appropriations Act.

Name of Requesting Member: GRESHAM BARRETT.

Bill Number: H.R. 2638.

Account Number: 31 0603003A Aviation Advanced Technology.

Name and address of requesting entity: The entity to receive funding for this project is Aviation Advanced Technology located in Anderson, Laurens, and Oconee counties, South Carolina.

Description of earmark including amount and spending plan: Requested amount of $1.28 million. This funding will be used to develop programs to improve transmission capabilities of military rotorcraft platforms. Such programs to enhance the performance of military rotorcraft platforms such as the Chinook, Apache, and Blackhawk would benefit significantly from the availability of a demonstrated, high performance gear material system technology. This project will develop advanced gear material systems for helicopter power transmissions. The program will quantify performance enhancements resulting from the implementation of advanced steels incorporating various technologies against the current state of the art material system. I certify that this project does not have a direct and foreseeable effect on the pecuniary interests of my spouse or me.

EARMARK DECLARATION

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2008

Mr. SMITH of New Jersey. Madam Speaker, I submit the following:

Requesting Member: Rep. CHRISTOPHER H. SMITH.

Bill Number: H.R. 2638.

Account: Research, Development, Test and Evaluation, Defense-Wide Account.

Legal Name of Requesting Entity: Monmouth University's Rapid Response Institute.

Address of Requesting Entity: 400 Cedar Avenue, West Long Branch, NJ 07764.

Description of Request: Monmouth University's Rapid Response Institute (RRI) is requesting funding to develop and prototype a ''Rapid Information Sharing for Consequence Management and Decision Support'' data base system that will enable Joint Warning and Reporting Network (JWARN), Joint Effects Model (JEM) and other military classified systems to effectively share tactical information (plume spread, chemical identity, voice and video, GIS map information, etc.) in real time in support of catastrophic events without disclosing the classified source of the information.

The project will evaluate the software's ability to improve the effectiveness of military (including National Guard) preparedness and its support to the civilian first responders. Prototyping will include Defense and National Guard assets and standards in partnership with the National Guard's Northeast Regional Response Center and the Army Communications and Electronics Life Cycle Management Command.

Detailed Financial Plan: ''Rapid Information Sharing for Consequence Management and Decision Support'':

1. Labor: Monmouth University Employees Principal Investigators: $225,000.00.

Program Management/Instructor/Project Management: $175,000.00.

Faculty Researchers /Adjuncts: $200,000.00.

Technical Writer & Admin Support: $62,000.00.

Technical Research Support: $96,000.00.

Student Employment/Assistantships: $75,000.00.

MU University Labor Costs: $833,000.00.

2. Fringe Costs: MU Fringe 26.6% approved HHS (no Student Salaries): $201,628.00.

3. Overhead Costs: MU Overhead 55.5% approved HHS (All MU Salaries): $462,315.00.

4. PHD Program Support: PHD Program Support Drexel—Lauren Landrigan (Army SEC): $100,000.00.

5. Small Business Set Aside: Contracted Professional Services (SB,SDB—): $300,000.00.

Travel and Supplies for SB/SDB: $20,525.00.

6. SubContracts and MIPR: CERMUSA-St. Francis Loretto, Pa: $400,000.00.

JSTO Battle Space Management ECBC, APG: $350,000.00.

PEOC3T SPO/NRRC, Ft Dix: $100,000.00.

SubContract/MIPR: $850,000.00.

7. Materials, Equipment and Supplies: Communications (Satellite,Direct TV,Cable, VTC): $40,000.00.

Software Licenses and Maintenance: $25,000.00.

Equipment Computers for Technology Interoperability: $35,000.00.

Joint Mobile Command Truck—Maintenance Equip. upgrade: $50,000.00.

Materials, inks, copying, documentation: $40,000.00.

Total Materials and Supplies: $190,000.00.

8. Travel: Inter Location—APG, Ft. Dix, Philadelphia and Loretto PA: $25,000.00.

Conferences and Workshops: $20,000.00.

Local University Meetings: $5,532.00.

Total Travel: $50,532.00.

9. DTRA: DTRA Processing Fees: $192,000.00.

Total Project Costs: $3,200,000.00.

EARMARK DECLARATION

HON. STEVAN PEARCE

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2008

Mr. PEARCE. Madam Speaker, Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 2638, The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 of which:

$7,000,000 shall be appropriated to New Mexico Tech for the Magdalena Ridge Observatory (MRO) under the RDTE, Navy Account.

Contact: Office of Naval Research 875 North Randalph Street, Suite 1425, Code 03T, Arlington, VA 22203-1995.

MRO requires specialized capabilities to develop and support advanced instrumentation and telescopes for use in astronomical and Department of Defense missions. The use of smart instrumentation provides a means of reducing costs, maintaining expertise, and providing long term operational assurance and education benefits. Recent events have highlighted the need to image objects in various locations. A single stand-alone telescope is essential to locating targets of interest but a multi-telescope interferometer is needed to form model independent images.

$5,000,000 shall be appropriated to New Mexico State University for UAV Systems Operations Validation Program.

Contact: Office of the Secretary of Defense CTEIP Program Manager.

Building upon the strong capabilities and broad expertise developed under the USOVP, this project will focus and address requirements for small to mid size UAS—a critical need identified by the DoD. Currently, USOVP provides DoD an environment in which to evaluate operations and performance of UAV platforms and systems in civil airspace. USOVP is headquartered at the Las Cruces International Airport with partners in AK and HI. USOVP demonstrations of UAV flights in civil airspace, both long distance and regional, are used to advance the integration of UAS in the NAS.

$4,000,000 shall be appropriated to General Atomics for the Holloman High Speed Test Track.

Contact: US Air Force/USAF 846th Test Squadron, Holloman AFB, Holloman High Speed Test Track 1521 Test Track Rd., Holloman AFB, NM 88330.

This effort continues the development and construction of the prototype magnetic levitation test track to support high speed test operations at Holloman AFB, NM. This project will continue to deliver to the Air Force and US Government test community the capability of conducting high speed (up to mach 9) testing of critical missile, propulsion, and sensor subsystems in a vibration-free environment while reducing the need to conduct expensive and time-consuming flight tests.

EARMARK DECLARATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2008

Mr. BARRETT of South Carolina. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of the House amendments to Senate amendments to H.R. 2638, Consolidated Security, Disaster Assistance and Continuing Appropriations Act.

Name of Requesting Member: Gresham Barrett.

Bill Number: H.R. 2638.

Account Number: 33 0603005A Combat Vehicle and Automotive Advanced Technology.

Name and address of requesting entity: The entity to receive funding for this project is TC Designs, LLC., located in Charleston and Pickens, South Carolina.

Description of earmark including amount and spending plan: I am requesting $2.0 million of funding. This funding will be used for floor protection for Humvees for increased IED countermeasure protection for US military personnel. The Humvees will receive a Tom Cat V-shaped hull with integral up armor that is less than 800 pounds. The unique design of this hull protection is specifically designed to be light enough for the Humvee, but strong enough to resist and deflect blast. I certify that this project does not have a direct and foreseeable effect on the pecuniary interests of my spouse or me.

HONORING THOMAS EDGAR ROTH

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Thomas Edgar Roth of Weatherby Lake, Missouri. Thomas is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1261, and earning the most prestigious award of Eagle Scout.

Thomas has been very active with his troop, participating in many scout activities. Over the many years Thomas has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Thomas Edgar Roth for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

MEMORIAL TRIBUTE IN RECOGNITION OF THE 25TH ANNIVERSARY OF THE BEIRUT BOMBING

HON. KIRSTEN E. GILLIBRAND

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2008

Mrs. GILLIBRAND. Madam Speaker, it is with a heavy heart that I rise today to recognize the sacrifices of the servicemembers who lost their lives on October 23, 1983, when terrorists bombed the barracks housing American and French troops in Beirut, Lebanon. On that day, 241 American servicemen lost their lives: 220 Marines, 18 Navy personnel and 3 Army soldiers.

I would like to pay special tribute to two servicemembers from my district—Corporal James J. Jackowski of Salem, and Corporal Ronald L. Shallo of Hudson. Their ultimate sacrifice is a debt that can never be recovered or repaid—only honored.

While our great nation suffered from that attack, the families of fallen servicemembers continue to feel the pain from that day. A candlelight vigil honoring those who fell in Beirut that day will be held October 23, 2008 near Camp Lejeune in Jacksonville, NC. My thoughts and prayers are and will be with those family members on this 25th anniversary of that dreadful day.

Madam Speaker, I join my colleagues today in expressing my deepest sympathy to the family members of all of the fallen servicemembers from the Beirut bombing and wish them solace in their time of healing.

RECOGNIZING COL MARCUS LUNDY POWELL, JR.

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2008

Mr. WITTMAN of Virginia. Madam Speaker, I rise today to recognize Col. Marcus Lundy Powell, Jr. who was born in Mecklenberg County, VA, and will turn 90 years old on October 9, 2008. Mr. Powell graduated from the Virginia Polytechnic Institute, which today is known as Virginia Tech, in 1939. Upon his graduation he was commissioned a 2nd lieutenant in the U.S. Army and was assigned to the 8th Infantry Regiment, 4th Infantry Division, under Col. James Van Fleet.

Just five years later at the age of 25 he was a company commander who lead troops in the first wave onto Utah Beach at Normandy, on D-Day; June 6, 1944. Mr. Powell would go onto to tirelessly serve on the front lines of many of the most hard-fought battles in the European Theater including the Battle of Huertgen Forest. He also served on the first day of the Battle of the Bulge.

Following the close of the Second World War Mr. Powell would be stationed as an Aide-de-camp to Gen. James Van Fleet from 1946–48 in Athens, Greece, during the Greek War. From 1955–57 he served as Deputy

Chief of the Military Assistance Advisory Group in Baghdad, Iraq. Mr. Powell would again bravely wear the uniform of the U.S. Army overseas as a troop Commander in Korea from 1962–63 and as the Deputy Director of Headquarters in Vietnam from 1966–67. Finally, Mr. Powell was transferred to the Continental Army Command at Ft. Monroe, VA, from 1967–72 as the Director of Reserve Components.

Mr. Powell is the proud father of four children, three grandchildren, and five great-grandchildren. Col. Powell has retired to Oxford, NC, where, weather permitting, he plays golf once or twice a week, plays bridge, works in his garden, makes wonderful cherry preserves and remains an active member of the local Lions Club. Ever the optimist, in March of this year he married a wonderful woman.

Madam Speaker, I proudly ask you to join me in commending Col. Marcus Lundy Powell, Jr. upon his 90th birthday and for his honorable accomplishments with the U.S. Army in defense and service to our Nation.

FRANKLIN NOON ROTARY CLUB CELEBRATES 60TH ANNIVERSARY

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2008

Mr. LINCOLN DAVIS of Tennessee. Madam Speaker, I rise today to honor and pay tribute to a civic club in Williamson County, Tennessee that has provided benevolent support to the people living in the City of Franklin for sixty years.

With fourteen original members eager to be of service to the community, Franklin Noon Rotary sought official recognition and was charted on January 13, 1948. Mr. Jim Warren was elected the Rotary's first president.

One of the club's first actions was the creation of the Franklin Rodeo. The rodeo, now entering its 60th year, has grown into an impressively large community event and charity fundraiser. Through charitable giving, which totals in the millions, thousands of people have been helped. This money has taken the form of college scholarships, books, medical education, health care, band uniforms, help for the mentally and physically handicapped, support of exchange students, construction of park facilities, donations to local charities, Polio Plus and many more worthwhile projects.

Madam Speaker, no other Franklin Civic Club has raised and spent more money in the community than the Franklin Noon Rotary Club. It is only fitting that I rise today to thank the past and present officers and past and present members of the Franklin Noon Rotary for contributing their time and hard earned money so that others may have a better life. They have made a great contribution to Franklin, Williamson County, Tennessee and the United States of America.

I am honored to stand with them today to recognize their efforts and to celebrate the 60th anniversary of the Franklin Noon Rotary and Franklin Rodeo. May God continue to watch over these fine Rotarians and those they seek to help.

TYLER D. STEN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Tyler Sten, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 31, and by earning the most prestigious award of Eagle Scout.

Tyler has been very active with his troop, participating in many scout activities. Tyler has shown an extraordinary commitment to scouting as evidenced by earning over 30 merit badges. Tyler is a recipient of Ad Altare Dei Religious Award Firebuilder in the Tribe of Mic O' Say with his troop.

Tyler's Eagle Scout service project consisted of constructing and installing a new sign for the St. Francis Xavier Pre-school in St. Joseph, Missouri. This project continues the long tradition of community service established by the Boy Scouts of America.

Madam Speaker, I proudly ask you to join me in commending Tyler Sten for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING THE HONORABLE JIM McCRERY ON THE OCCASION OF HIS RETIREMENT

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2008

Mr. BONNER. Madam Speaker, I rise today to honor the distinguished career of the Honorable JIM MCCRERY for his service to the people of Louisiana and the United States House of Representatives. Congressman MCCRERY has represented the 4th Congressional District of the state of Louisiana for the past 20 years.

Born in Shreveport, Louisiana and raised in Leesville, Louisiana, JIM attended Louisiana Tech University in Ruston and received degrees in English and history. In 1975, he earned his Juris Doctor from Louisiana State University and was admitted to the Louisiana Bar that same year. JIM then got his start in politics working as district manager for former Congressman Buddy Roemer and later as his legislative director in Washington, D.C.

Since his election in 1988, JIM has fought hard for issues important to the state of Louisiana, including defense and national security policy. He has also concentrated much of his efforts toward reducing the cost of healthcare and producing fundamental tax reform.

In 2001, JIM'S dedication and hard work were recognized by the Louisiana chapter of the March of Dimes when he was named Citizen of the Year. He has also been recognized for his efforts in response to Hurricanes Katrina, Rita, and Wilma, which devastated his home state in 2005. In 2006, the New Orleans Times-Picayune praised his ability to work across party lines, noting "That legislation ($8 billion in tax credits for Louisiana) is among the most significant tools for this region's recovery."

Dubbed an "economic guardian" by Congressional Quarterly, JIM serves as ranking member of the House Ways and Means Committee. As a member of this powerful committee, JIM has played key roles in writing legislation for a prescription-drug program for seniors and passing major tax bills. JIM is regarded by his colleagues as an expert on the issue of welfare reform and played a key role in the passage of historic welfare reform legislation. He was also co-author of the landmark legislation, the Medicare Preservation Act.

Madam Speaker, I ask my colleagues to join me in recognizing a dedicated leader and friend to many in this body. I know his family, his wife, Johnette; their two children, Scott and Clark; and his many colleagues and friends join me in honoring his accomplishments and extending thanks for his service over the years on behalf of the state of Louisiana and the United States of America.

JIM will surely enjoy the well-deserved time he now has to spend with his family and loved ones. I wish him the best of luck in all his future endeavors.

EARMARK DECLARATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2008

Mr. BARRETT of South Carolina. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of the House amendments to Senate amendments to H.R. 2638, Consolidated Security, Disaster Assistance and Continuing Appropriations Act.

Name of Requesting Member: Gresham Barrett.

Bill Number: H.R. 2638.

Account Number: 2 Darpa 0601101E Defense Research Sciences.

Name and address of requesting entity: The entity to receive funding for this project is Clemson University, located at Clemson University, South Carolina.

Description of earmark including amount and spending plan: I am requesting $1.28 million of funding for Clemson University Advanced Photonic Composites Research. This program will be used for development of the next generation of materials for use in optical and laser-based communication, health, automotive, and defense platforms. It will provide the necessary coordinated and concentrated effort to bring high information capacity, low power consuming optical technologies to the soldier. The research will continue to focus on novel active and passive materials and optical devices for advanced lighting, directed energy, sensing, and switching, as well as ways to make their performance controllably adaptive, such that one technology may now be used for a myriad of applications. I certify that this project does not have a direct and foreseeable effect on the pecuniary interests of my spouse or me.

RETIREMENT OF TERRY EVERETT

SPEECH OF

HON. ARTUR DAVIS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. DAVIS of Alabama. Madam Speaker, I congratulate Congressman TERRY EVERETT on his retirement after 16 years of service in the House. EVERETT has been a reliable supporter of the two sectors that drive the economics of the 2nd Congressional District-agriculture and national security—and his successor will have much to do to match EVERETT's influence.

What I have always admired about TERRY EVERETT is the fact that he is the rare civic leader who comes to politics as a mid-life career. EVERETT ran a newspaper in the Wiregrass and learned from that how to run a business and how to measure community sentiment. His path is not the conventional route in an institution full of strivers who fantasized their Congressional career in grade school. But if you know TERRY EVERETT, his path leaves him a happier, more decent man than a sizable chunk of his colleagues who stress about the offices they never held and the publicity they never received.

I remember EVERETT's election in 1992 well because I lived in his district when I was home from law school. He was not his party's early favorite in the primary. Nor was he given good odds in the general: his opponent was none other than the son of Alabama's political prodigy George Wallace. But odds don't determine elections and EVERETT managed to beat a lot of money and establishment clout on the other side. To his credit, he never saw another tough race.

I think the way EVERETT won made him a little freer to be his own man. I never sensed he took a path for the sole reason that his party took it, or because he thought an opinion would elevate him with his party leaders. I sensed that TERRY EVERETT always felt that he knew his district and his people better than Washington could ever know them. He is a tried and true conservative—most of his voters wouldn't have it any other way—but his roots shaped his conservatism in a good way. It is the conservatism of someone who has seen certain values thrive in his own life and believes that they will work for others. I respect that, and agreed with him more times than a few.

I wish we had more citizen politicians like TERRY EVERETT, and I wish him well.

In addition, I congratulate Congressman BUD CRAMER on eighteen years of service to the 5th District of Alabama. Mr. CRAMER is the latest descendant in a long line of North Alabama Democrats who have served their district's interests well while garnering significant national clout, and Alabama will miss him.

When I think of BUD CRAMER, I am reminded of a sage-sounding prediction by a longtime Southern political observer. In the aftermath of Newt Gingrich's "revolution" in 1994, this individual was predicting that the John Sparkman/Tom Bevill model was becoming obsolete due to the increased partisanship and ideological polarization in states like Alabama. His premise was that conservative Democrats were imperiled because of their party label: CRAMER's exceedingly narrow victory in 1994 was even cited as an example of the uncertain status of "blue dogs" like CRAMER.

His district should be thankful that BUD CRAMER disproved this prophecy by winning again in 1996, and then by becoming unassailable. He has not faced meaningful opposition in the last twelve years, even though every Republican presidential candidate has won the 5th District easily. The ultimate testament to his popularity: in a hotly contested race to succeed him, both the Democratic and Republican nominees are promising to "be another BUD CRAMER."

CRAMER leaves North Alabama's economy stronger than he found it. The missile research program in Huntsville is now one of the largest, most vital components of the US military budget, partly because of CRAMER—his skilled support has helped sustain missile defense against a variety of political foes. He has also nurtured a series of economic development projects in a region that has wide pockets of unemployment; one of the last projects he worked on creates a new opportunity zone in Colbert County, which will lead to at least one major new industry locating there.

In Washington, CRAMER's legacy is his thoughtful leadership on national security issues. CRAMER's influence actually rose as the Intelligence Committee on which he served grew more partisan—the congressman's refusal to either rubber stamp or reflexively oppose the Administration's agenda underscored the value of more moderate voices.

I wish BUD well. He's earned the right to weeks that don't begin with the 7 a.m., Monday morning direct flight from Huntsville to Washington.

I would also like to submit the following articles from the Huntsville Times for the RECORD.

[From the Huntsville Times, July 27, 2008]

BRAC SUCCESS A RESULT OF TEAM APPROACH, SAYS CRAMER

As U.S. Rep. Bud Cramer reflects on retiring after nine terms in Washington, he says his proudest achievement has been his team approach to getting the job done.

"Whenever we saw what needed to be accomplished, we planned and then worked as a team to reach the goal, from regional economics to the Space Station," Cramer says. "The team approach applies to each success. I was a team member and leader in identifying what we needed to do to help ourselves."

Cramer's approach was no more apparent than when he worked on presenting the area for the U.S. Army's plan to consolidate commands or base realignment, better known as the Base Realignment and Closure Commission (BRAC). When BRAC emerged, the congressman says he immediately recognized he had to be in the forefront of this plan. In 1994–95, he proactively gained jobs and then prepared for the next BRAC round for more jobs. He worked in unison with the Alabama congressional delegation to demonstrate to the Army what Redstone's capabilities are.

"It meant understanding the issues," Cramer says. By serving on the House Appropriations Committee and teaming with with Republican Sen. Richard Shelby, Democrat Cramer says the pair got money to modernize Army facilities in Huntsville to make them more efficient and appealing as a workplace. Redstone impressed the Army and the Pentagon, and won the "mother of all BRAC rounds" and thousands of jobs for Huntsville. It was teamwork, he says, that paid off.

Huntsville Mayor Loretta Spencer credits Cramer for his accomplishments with BRAC. "When the opportunity came again to win a favorable BRAC ruling, elected officials and business groups from the Tennessee Valley region formed a task force for cohesion in pooling resources," she says. "However, as strong as our region's presentation was, we could not have had the results without the support of Bud and our congressional delegation."

Since coming to Congress in 1990, Rep. Cramer has been a leading advocate for missile defense.

As a member of the House Appropriations Committee, Cramer, with Shelby and the other members of the Alabama delegation, secured more than $211 million for the construction of the Von Braun Complex. Cramer's District 5, which includes Colbert, Jackson, Lauderdale, Lawrence, Limestone, Madison counties and portions of Morgan County in North Alabama, also includes the Army's Redstone Arsenal and NASA's Marshall Space Flight Center in Huntsville.

In 2005, Cramer called it a "good day for North Alabama" when the U.S. Department of Defense (DOD) announced it would recommend to the BRAC Commission that 3,000 jobs be relocated to the Redstone Arsenal. Comprising this relocation were components of U.S. Army Materiel Commands, the U.S. Army Space and Missile Defense Command and a significant part of the Missile Defense Agency.

Soon after, the U.S Army Security Assistance Command and Aviation Technical Test Center were also relocated to Redstone. It made North Alabama one of the nation's largest gainers with BRAC.

"Today marks a proud and historic day for Redstone and for all of us in North Alabama," Cramer said then. "I am pleased that the hard work by our community has paid off. North Alabama presented an excellent proposal highlighting Redstone's strengths, and the daily contributions people working there make to our national security."

Cramer emphasized teamwork involving BRAC committee chairman Joe Ritch and the entire Tennessee Valley BRAC team, spanning several years, to help bring the commands to North Alabama.

In October 2005, Cramer announced that BRAC supporters defeated a resolution in the House of Representatives that would have disapproved BRAC recommendations. By law, Congress had 45 legislative days to reject the BRAC report entirely, or it became law.

Following the decision, Cramer discussed the move with senior Army officials to ensure it came about.

Given today's budget environment, I wanted to make absolutely sure that even if we encounter potential challenges, North Alabama's gains will be completed," said Cramer after the hearing.

Keith Eastin, assistant secretary of the Army for installations and environment, confirmed to Cramer that the DOD was legally obligated to comply with each of the 103 BRAC recommendations by Sept. 15, 2011.

At the time Cramer said, "BRAC is a congressionally authorized process that the Department of Defense has used to reorganize its base structure to more efficiently support our forces. BRAC is critical to U.S. national security and cannot be undermined. It balances national defense priorities, supports our military modernization objectives and creates opportunities for private economic development."

[From the Huntsville Times, July 27, 2008]

ECONOMIC DEVELOPMENT HAS "NO BARRIERS" IN CRAMER'S VIEW

When U.S. Rep. Bud Cramer was first elected to Congress in 1990, he recognized a need to take a regional economic approach for

North Alabama, and it has paid off with hundreds of new jobs.

''In the early years, I saw the district's need for a regional economic development agenda,'' Cramer says. Issues like countering unemployment or building an airport were identified, and he went to work. With this agenda, he was ''committed to tell our story better by working with necessary parties like the Alabama Development Office and other North Alabama economic development professionals.''

As a member of the House Appropriations Committee, he also set out to provide the resources to help make North Alabama conducive to, and attractive for, economic development. His efforts manifested in securing funding for transportation and infrastructure development, including water and sewer projects. He also got money for workforce training initiatives across North Alabama, which earned him recognition for systematically setting the stage to invite growth in the Fifth District and surrounding areas.

In the years that followed, the successes have included U.S. Gypsum, Toyota's $20 million production expansion at its Huntsville plant, National Rail Car, North American Lighting, Steelcase, the Boeing rocket plant in Decatur and the HudsonAlpha Institute for Biotechnology.

At the Toyota announcement in 2003, Cramer reinforced his goal of telling Alabama's story.

''They have discovered what a good area North Alabama is to do business, and this expansion is great news for both Toyota and the people of North Alabama,'' he told the crowd about a project that brought 350 to 500 new jobs. ''We need these new good jobs, and I'm proud to stand here with Toyota today to make this announcement.''

From the start, Cramer says he sought to represent Alabama as a ''can-do state'' and to tell its story better, but he also recognized regional economic growth would require teamwork throughout his nine terms in Congress.

By fortifying the state's image, infrastructure and teamwork on all levels, Alabama became more competitive and more attractive to prospects.

HudsonAlpha President Jim Hudson praised Cramer's energy and devotion to bringing about development.

''When HudsonAlpha was in its very formative stages, Congressman Cramer took the initiative,'' Hudson says. ''In order to understand the potential of biotechnology in North Alabama, he traveled to leading biotechnology centers in Arizona and New York. Convinced that biotechnology would be an ideal engine of economic growth and human progress, Congressman Cramer became a tireless advocate. His role in the founding of HudsonAlpha was critical. Congressman Cramer's willingness to work hard, to listen to all sides, to investigate the issues and to build the key relationships needed have enhanced the quality of life for everyone in North Alabama.''

In 2005 Cramer joined Hudson and Alabama Gov. Bob Riley to announce the creation of the HudsonAlpha Institute for Biotechnology in Huntsville. Cramer heralded a vital new direction for Alabama, saying, ''With the creation of the HudsonAlpha Institute, we have an opportunity to lead our nation's biotechnology effort.''

HudsonAlpha would turn out to be a crown jewel in setting the state on the biotech path. But Cramer has been involved in the recruitment and expansion of many North Alabama companies.

Just a year earlier, Cramer's regional economic approach had paid off with U.S. Gypsum Co.'s $20 million expansion to the building material manufacturer's Bridgeport, Ala., facility. Of the development, the congressman said at the time, ''When a strong well-established company like U.S. Gypsum decides to expand, it reaffirms the fact that Jackson County is a great place to do business.''

The location was completed in 1999 and provided 180 jobs.

In 2005, Cramer joined several state officials in announcing North American Lighting, a subsidiary of Tokyo-based Koito Manufacturing Co., was going to build its $21 million, state-of-the-art manufacturing plant at the Northwest Alabama Airport Industrial Park in Muscle Shoals. The 200,000-square-foot facility, which is producing tail lamps for automakers like Toyota, Nissan and Honda, created 320 jobs. Cramer commended the Shoals region for working together on the project and attributed the success to the area's cooperative efforts.

''All of our area's economic development leaders were determined to do what it took to land this company, and today is a direct result of our efforts,'' Cramer told the group. ''It is further proof that if we work together as one community, we will be much stronger and better prepared to promote the benefits of Northwest Alabama.''

In 2006, which would turn out to be a banner year in the congressman's regional economic development efforts, he joined Gov. Bob Riley in breaking ground for the North American Lighting plant, and again hailed regional cooperation for winning the project.

''The successful recruitment of North American Lighting was the culmination of a partnership within the entire Shoals area,'' he said. ''The county and municipal leaders here clearly showed that they no longer view the Tennessee River or city and county lines as barriers to economic progress, and they fully understand that a new facility anywhere in this region will reap economic benefits for the entire area. All of them should be commended for their leadership.''

Cramer, as a member of the Appropriations Committee, secured $600,000 in 2006 to help install water and wastewater infrastructure at the Muscle Shoals Industrial Park.

Again in 2006, Cramer in his annual economic recruitment trip with the North Alabama Industrial Development Association (NAIDA) to Chicago, Ill., promoted Alabama's capabilities and strengths to biotech leaders in an effort to expand its biotech base, showcasing HudsonAlpha as the state's opportunity to lead the nation's biotech efforts.

Cramer also led an economic development trip to New York City, again with NAIDA and area development officials, reinforcing their ''economic development team'' in recruiting new industry and maintaining relationships with existing businesses. He also reinforced a central theme to his economic development success. ''Each year, this trip sends a strong message to business leaders and site consultants that our region is united and committed to doing what it takes to bring new industry to North Alabama.''

At an economic development summit held by Cramer and U.S. Rep. Lincoln Davis (D–Tenn.) with business and government leaders in North Alabama and Southern Tennessee, both congressmen strongly emphasized the value of regional efforts to grow and recruit business in areas on both sides of the Alabama-Tennessee border.

Collectively, their districts include Arnold Engineering Development Center, the Marshall Space Flight Center, Redstone Arsenal, automobile assembly and supplier plants, and many other manufacturing facilities and small businesses. Also, as a result, many individuals in both Alabama and Tennessee have chosen to live in one state and work in another. The Base Realignment and Closure Commission (BRAC) recommendations were discussed, in which 4,700 jobs were directed to the Redstone Arsenal.

Cramer and Davis also met with officials throughout the Tennessee Valley to learn more about how both communities could further compliment each other.

''This team effort made all the difference in the world,'' Cramer says of his industrial recruitment efforts in his nine terms in Congress. It took many meetings to generate consensus among the counties and a new view on how to get it done. ''I worked without barriers, without county lines.''

PERSHING HEALTH SYSTEM

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Pershing Health System, who will be dedicating a new addition to their healthcare facility on October 4th, 2008. This addition consists of a 38,000 square foot addition that will provide better care and access to the patients who utilize the services of Pershing Health System.

Pershing Health System provides services to over 40,000 patients each year. Pershing Health System has been providing service to its patients since 1960, and these latest improvements will help to see that its patients receive the best care possible

Madam Speaker, I proudly ask you to join me in recognizing Pershing Health System, a professional health care system that strives to provide the best care to the patients it serves. It is truly an honor to serve Pershing Health System in the United States Congress.

RECOGNIZING THE 70TH ANNIVERSARY OF THE KING GEORGE RURITAN CLUB

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2008

Mr. WITTMAN of Virginia. Madam Speaker, I rise today to recognize and congratulate the King George Ruritan Club on the occasion of its 70th anniversary. This fine association has its origins in 1938 when a group of men banded together for the concerns of the well-being of King George County to form the King George Ruritan Club.

The King George Ruritan Club was sponsored by the Richmond County Ruritan on October 31, 1938, and granted National Charter # 57 with 27 members on the roster with J. W. Bland elected President. The Club began its service to the community in support of PTAs, church groups, the Daughters of America and the Rebekah Lodge by serving Ruritan dinners to raise funds for their activities.

King George Ruritan was reorganized in 1948 after WW II with their new major initiatives to focus on the construction of sidewalks through the village to protect school children, and the King George Volunteer Fire Department. Throughout the 1950's the Club was instrumental in the installation of a public telephone at the Court House, the collection clothes for the needy, and support of the Ground Observer Corps.

The Club's philanthropic programs in the late 1950's were the installation of lights on the High School athletic field and organizing the Fall Festival with the profits going to the Fire Department and Rescue Squad.

In the 1960's the Club turned its attention toward a community center which became a reality in 1979 with John Owens turning the first spade of soil representing the King George Ruritans.

The Club's main fundraiser in the 1970's was hauling manure from Hopyard Farm with the primary benefactor being the first community service group supporting the establishment of the King George Rescue Squad telemetry system. The Club also donated flag poles to the American Legion and King George Fire House, followed by the creation of a memorial scholarship in honor of J. Grafton McGinniss.

The Club's support for the Boy Scouts began with the Charter in 1938. In 1954 the Club chartered Boy Scout Troop 191, which by the 1980s had grown to include the Cubs, Webelos and Explorer Scouts, which the Club still charters.

In the late 1980s, the Club relied on its Chicken Barbeque as its primary fundraiser in addition to other food service activities. In 1989 the Club started the Rudy Ruritan Bear Program with 10 bears given to the Sheriff's Department and 10 to the Rescue Squad and this program still continues.

The King George Ruritan Club reached several significant milestones in the last decade. In 1999 the Club added its first female member who joined to carry on her husband's work and by 2000 there were a total of 6 women in the Club. The first female President was elected in 2003. In 2004, King George Ruritan Club had its first Tom Downing Fellow recipient, Aubrey Mitchell. In 2008, the Club had its first District Governor, Roy Maloy.

Madam Speaker, I proudly ask you to join me in commemorating the King George Ruritan Club on the occasion of its 70th anniversary and its record of service to the community.

EARMARK DECLARATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2008

Mr. BARRETT of South Carolina. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of the House amendments to Senate amendments to H.R. 2638, Consolidated Security, Disaster Assistance and Continuing Appropriations Act.

Name of Requesting Member: GRESHAM BARRETT.

Bill Number: H.R. 2638.

Account Number: 050 Field Medical Equipment.

Name and address of requesting entity: The entity to receive funding for this project is North American Rescue Products, located at 481 Garlington Road, Suite A, Greenville, South Carolina 29615.

Description of earmark including amount and spending plan: I am requesting $3.2 million of funding for Combat Casualty Care Equipment Upgrade. The funding would be used for developing equipment for navy surface ships to improve field medical equipment to meet the stringent requirements of today's counter-insurgency combat operations and littoral warfare. The state-of-the-art lifesaving medical capabilities of this program will equip navy Medical Corpsman and USMC tactical units such items as lightweight NATO compatible litters, vehicle on-board lifesaving kits, individual combat lifesaving kits, and high threat extraction kits. This program benefits U.S. military personnel through unique lifesaving and trauma-mitigating field medical equipment. I certify that this project does not have a direct and foreseeable effect on the pecuniary interests of my spouse or me.

RECOGNIZING THE HONORABLE DEBORAH PRYCE ON THE OCCASION OF HER RETIREMENT

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2008

Mr. BONNER. Madam Speaker, I rise today to honor the outstanding career of Congresswoman DEBORAH PRYCE for her service to the people of Ohio and the United States House of Representatives. Congresswoman PRYCE has represented the 15th Congressional District of the State of Ohio for 16 years.

DEBORAH was elected to Congress in 1993 after serving as a Franklin County Municipal Court Judge and city prosecutor. She quickly made history as she rose to leadership positions in the House. Her election to House Republican conference chairman, the number four position in leadership, made DEBORAH the highest-ranking woman ever to serve in the House Republican leadership. She also served as conference vice-chair in 2000 and was elected president of her freshman class. DEBORAH has also served as a deputy whip since 1996.

A hallmark of DEBORAH'S term in office has been her support for children and families. She has worked tirelessly to make adoption more affordable and has been a leader in reforming the welfare system.

DEBORAH has also endured unimaginable loss. In 1999, her nine year old daughter, Caroline, died of cancer. In the wake of her daughter's death, she and her ex-husband founded Hope Street Kids, a program to support cancer research.

In the 109th Congress, DEBORAH introduced legislation to provide grants to promote pain management and end-of-life care for children with life threatening conditions. She is also the co-founder of the House Cancer Caucus.

DEBORAH'S tireless work on behalf of children living with cancer has not gone unnoticed. In 2006, she was the recipient of the American Cancer Society's highest honor, the Distinguished Advocacy Award.

Madam Speaker, I ask my colleagues to join me in recognizing a dedicated leader and friend to many in this body. I know her family, her daughter, Mia, and her many friends and colleagues join me in praising her accomplishments and extending thanks for her service over the years on behalf of the State of Ohio and the United States of America.

DEBORAH will surely enjoy the well-deserved time she now has to spend with her family and loved ones. I wish her the best of luck in all her future endeavors.

ALEX J. LUKE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Alex Luke, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 31, and by earning the most prestigious award of Eagle Scout.

Alex has been very active with his troop, participating in many scout activities. Alex has shown an extraordinary commitment to scouting as evidenced by earning over 30 merit badges. Alex is a recipient of Ad Altare Dei Religious Award Warrior in the Tribe of Mic O' Say with his troop. He has held the post of Senior Patrol Leader with the Troop.

Alex's Eagle Scout service project consisted of constructing planter boxes for WheelChair Bound at Living Community Health Care Center in St. Joseph, Missouri. This project continues the long tradition of community service established by the Boy Scouts of America.

Madam Speaker, I proudly ask you to join me in commending Alex Luke for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

EARMARK DECLARATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2008

Mr. BARRETT of South Carolina. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of the House amendments to Senate amendments to H.R. 2638, Consolidated Security, Disaster Assistance and Continuing Appropriations Act.

Name of Requesting Member: GRESHAM BARRETT.

Bill Number: H.R. 2638.

Account Number: 33 Cbdp 0603384Bp Chemical And Biological Defense Program, Advanced Development,

Name and address of requesting entity: The entity to receive funding for this project is Graniteville Specialty Fabrics, located at 511 Leitner Street Graniteville, South Carolina.

Description of earmark including amount and spending plan: I am requesting $2.4 million of funding for Chemical and Biological Threat Protection Coating. The objective of this program is to develop self-decontaminating chemical and biological fabric with a comfort profile necessary to maintain extended protection during pandemics. This new and advanced material can be deployed either as an individual protective garment, respiratory mask, or protective shelter. The technology

will adhere to the US DOD requirements for the Joint Chemical Agent Detector (JCAD). This program will ultimately develop advanced chemical technology for coating suits, tents, and other equipment for military and first responder personnel. I certify that this project does not have a direct and foreseeable effect on the pecuniary interests of my spouse or me.

ORELAND VOLUNTEER FIRE COMPANY 100TH ANNIVERSARY

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2008

Ms. SCHWARTZ. Madam Speaker, I rise today to honor and congratulate the Oreland Volunteer Fire Company on the celebration of their 100th anniversary. Chartered in 1908 with the help of just a handful of volunteers, the Oreland Fire Company has developed into a modern, professional fire company.

One hundred years ago, dedicated officers chartered the Oreland Fire Company. In 1911, the Oreland Fire Company held its first meeting, with 5 officers and 11 members present. Today, the organization is comprised of 35 members who are committed to protecting their community's people, homes and businesses. It is with great pride that the Oreland Fire Company continues to operate as an all volunteer fire company.

At the time of the organization's inception, the fire company owned a fire wagon and a horse drawn wagon, without a horse—manpower provided their strength when a fire struck. The company held their meetings at Aiman's Hall on the 100 block of Plymouth Avenue, until they were able to construct their first Fire House in 1913.

Today, the company continues their proud tradition of providing the best service to the community. These firefighters, just like those described by Benjamin Franklin, still "apply themselves with all vigilance and resolution," as well as dedication and courage, to the protection of their community in times of fire crises and as promoters of fire safety and prevention.

Madam Speaker, once again I congratulate the members of the Oreland Fire Company for their service, commitment, and sacrifice. I ask that my colleagues join me in celebrating this milestone and wish these dedicated firefighters another 100 years of success and safety.

CALLAN J. KNEIB

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Callan Kneib, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 31, and by earning the most prestigious award of Eagle Scout.

Callan has been very active with his troop, participating in many scout activities. Jordan has shown an extraordinary commitment to scouting as evidenced by earning over 30 merit badges. Callan is a Firebuilder in the Tribe of Mic O' Say and held the post of Senior Patrol Leader with his troop.

Callan's Eagle Scout service project consisted of repair and restoration of grave markers at Mt. Mora Cemetary in St. Joseph, Missouri. This project continues the long tradition of community service established by the Boy Scouts of America.

Madam Speaker, I proudly ask you to join me in commending Callan Kneib for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING THE HONORABLE TOM REYNOLDS ON THE OCCASION OF HIS RETIREMENT

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2008

Mr. BONNER. Madam Speaker, I rise today to honor the distinguished career of Congressman TOM REYNOLDS for his service to the people of New York and the United States House of Representatives. Congressman REYNOLDS has represented the 26th Congressional District of the State of New York for 10 years.

TOM has dedicated his entire adult life to public service. He began in the New York Air National Guard where he served from 1970 until 1976 attaining the rank of sergeant. While in the Guard, TOM was elected to the Concord Town Council at the age of 23. He served on the town council for eight years before he was elected to the Erie County legislature. In 1988, TOM was elected to the New York State Assembly and became minority leader just seven years later. In 1998, TOM was elected to succeed his friend, Congressman Bill Paxon, in the U.S. House of Representatives.

Known for his political acumen, TOM was chosen by former House Speaker Dennis Hastert to co-chair Battleground 2000, an unprecedented effort of the National Republican Congressional Committee (NRCC) to raise money for incumbents, challengers, and open-seat candidates. Due in large part to the overwhelming success of Battleground 2000, TOM was tapped by his Republican colleagues to serve two terms as chairman of the RNC where he raised substantially more money than his counterpart on the other side of aisle.

In describing TOM, The Washington Post stated, "Reynolds has quietly become one of the most influential Republicans in the House." He served on the influential Rules Committee before relinquishing his seat to become a member of the powerful Ways and Means Committee, where he has served for two terms.

TOM has received a number of awards and honors throughout his career. He was named a "Champion of the Dairy Farmers" and "Hero of the Taxpayer." He was awarded the U.S. Apple Association's "Golden Apple Award," the "Guardian Eagle" award for his efforts on behalf of senior citizens, and the "Silver Helmet" for his support of veterans' issues. He was named to the New York State Farm Bureau's Circle of Friends. The New York State Sheriff's Association named TOM a "Friend of Law Enforcement." He was named "Legislator of the Year" by the Shooters Committee of Political Education, and he was inducted into the Kids Escaping Drugs Hall of Fame. In 1996, TOM'S hometown Chamber of Commerce awarded him its Lifetime Achievement Award.

Madam Speaker, I ask my colleagues to join me in recognizing a dedicated leader and friend to many in this body. I know his family—his wife, Donna and his four children—as well as his many friends and colleagues join me in praising his accomplishments and extending thanks for his service over the years on behalf of the State of New York and the United States of America.

TOM will surely enjoy the well-deserved time he now has to spend with his family and loved ones. I wish him the best of luck in all his future endeavors.

HONORING THE LIFE AND SPIRIT OF JOHNNY HAYES

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2008

Mr. GORDON of Tennessee. Madam Speaker, I, along with my colleague Mr. Lincoln Davis of Tennessee, rise today to honor the life of Johnny H. Hayes, a lifelong community leader and a public servant of the people of Tennessee and the United States. Johnny was a friend to many. Tragically, he passed away last week on his farm in Sumner County, Tennessee after a courageous battle with cancer.

A graduate of Tennessee Technological University in 1961, Johnny moved to Hendersonville, Tennessee where he built a successful insurance business. He later moved to the Sideview Community. Always keeping himself busy, Johnny operated a livestock operation, breeding and raising grand champion red Angus cattle.

Johnny served in the cabinet of Governor Ned McWherter and was a trusted advisor to former Vice President Al Gore. Johnny also was a close friend and loyal counselor of Phil Bredesen, the current governor of Tennessee.

In 1993, Johnny was nominated by President Bill Clinton to serve on the board of directors for the Tennessee Valley Authority, TVA. His calm nature, good humor, and ability to take on challenging issues helped strengthen TVA's relationships in the seven-state region, and his work left a lasting legacy.

For Johnny, any person in need was a worthy cause. As a member of the Bethpage United Methodist Church, Johnny served on the Administrative Board and as Sunday School Superintendent for 18 years. He used his fundraising skills to finance a new playground and chapel, and was always there to address the needs of his neighbors.

Despite all of his success in business and politics, Johnny always remained humble and loyal to his friends and family. Johnny Hayes will be sorely missed by all those who were lucky enough to know him. We close by offering our deepest condolences to his wife Mary Howard Reese Hayes; three children, Craig, Amy, and Mary Kate; and three grandchildren, Austin, Ashley, and Miller.

HONORING ANDY F. REARDON

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2008

Mr. OBERSTAR. Madam Speaker, today, I am pleased to honor Mr. Andrew F. Reardon, who will retire later this year from his position as Chairman and CEO of TTX Company. His retirement will mark the end of a distinguished career in the railroad industry that has spanned more than three decades.

When Andy began working for the St. Louis and San Francisco Railroad in 1977, the nation's railroads were on the precipice of disaster, with much of the eastern railroads in bankruptcy or under federal control and the western railroads failing to earn their cost of capital. Andy played an important role in the rail renaissance by holding key positions at Union Pacific, Burlington Northern, and Illinois Central. In 1990, Andy served on the Railroad Retirement Board and helped it achieve a sound financial footing. His service to the industry continued at TTX Company, which he joined in 1992, and culminated in his appointment as President and CEO of TTX Company in 2000.

Under Andy's stewardship, TTX has grown, increased its financial stability, and become more innovative in its design and deployment of rail equipment to the nation's freight rail carriers. America's freight railroads are a unique asset to the nation, and TTX Company, which helps shippers save money by providing them access to the nation's largest specialty rail car fleet, has been an important contributor to that success.

This past June, Andy was promoted to the post of Chairman and CEO of TTX, a fitting reward for a man who has led his company and industry into the 21st century well-equipped to meet the challenges ahead.

JORDAN CARLISLE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Jordan Carlisle, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 31, and by earning the most prestigious award of Eagle Scout.

Jordan has been very active with his troop, participating in many scout activities. Jordan has shown an extraordinary commitment to scouting as evidenced by earning over 30 merit badges.

Jordan's Eagle Scout service project consisted of restoring the landscaping near the sign of St. Rose of Lima Catholic Church of Savannah, Missouri. This project continues the long tradition of community service established by the Boy Scouts of America.

Madam Speaker, I proudly ask you to join me in commending Jordan Carlisle for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING THE HONORABLE BARBARA CUBIN ON THE OCCASION ON HER RETIREMENT

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2008

Mr. BONNER. Madam Speaker, I rise today to honor the outstanding career of the Honorable BARBARA CUBIN for her service on behalf of the people of Wyoming and the United States House of Representatives. Congresswoman CUBIN has represented the people of the state of Wyoming for the past 14 years.

A fifth-generation Wyoming resident, BARBARA was raised in Casper, Wyoming. She graduated from Natrona County High School in Casper and received a Bachelor of Science in chemistry from Creighton University in Omaha, Nebraska. She went on to work as a chemist, a social worker, a substitute teacher, and also managed her husband's medical practice office. During this time, she became involved in local party politics and civic groups, including the Wyoming State Choir, the PTA, a suicide prevention organization and a homeless shelter.

Her community involvement led her to run for the Wyoming state house where she served for six years. She then ran successfully for a seat in the Wyoming senate, which she held for two years. In 1994, BARBARA was elected to Congress representing one of the most visited and least populated states in the Nation.

BARBARA was elected conference secretary in the 107th Congress, the sixth ranking Republican leadership position in the House, and she currently serves as a deputy whip for the Republican Conference. Widely regarded as an expert in the field of energy and minerals, BARBARA serves on the House Energy and Commerce Committee. From coal-bed methane to natural gas development, Wyoming's economy relies heavily on oil and gas production, and BARBARA has used her seat on this influential committee to promote energy development.

Since suffering a mild heart attack in 2005, BARBARA has also become an ardent supporter of increased screening of women for heart disease. She is a champion of gun owners' rights and served a three-year term on the board of the National Rifle Association.

Madam Speaker, I ask my colleagues to join me in recognizing a dedicated leader and friend to many in this body. I know her family, her husband, Frederick "Fritz" Cubin; their two sons, Bill and Eric; their two grandchildren; and her many friends and colleagues join me in honoring her accomplishments and extending thanks for her service over the years on behalf of the state of Wyoming and the United States of America.

BARBARA will surely enjoy the well-deserved time she now has to spend with her family and loved ones. I wish her the best of luck in all her future endeavors.

RETIREMENT OF REPRESENTATIVE MIKE McNULTY

SPEECH OF

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 22, 2008

Mr. McNULTY. Madam Speaker, you have seen ample demonstration of why I am such a grateful person, with all of these wonderful friends. No one could have a better friend in the world than GARY ACKERMAN. And I want to thank him, and Representatives LOWEY, HINCHEY, CROWLEY, ARCURI, ISRAEL and HALL for the many kind things that they have said about me and the members of my family.

I want to thank, of course, all of the members of the New York delegation, and also my dear friend the Speaker pro tem, my buddy, JASON ALTMIRE, for his very kind words. I shall always be grateful for having been a member of our State delegation, chaired by CHARLIE RANGEL. I am grateful to all of my Democratic colleagues.

I am grateful to all of my Republican colleagues, especially JIMMY WALSH, who is a classmate of mine in the class of 1988, along with NITA LOWEY. JIM is also retiring this year.

I am grateful to all of those with whom I have served through the years, all of the Speakers, from Jim Wright to NANCY PELOSI, and all of the Republican leaders, from Bob Michel to JOHN BOEHNER. And I am grateful to all of the staff of this great institution for the wonderful work that they do for us each and every day.

I have been truly blessed in my life. Paralyzed by polio in 1949, God eventually granted me a near complete recovery. And just look at my life since then. I have been blessed with a large and loving family, many wonderful friends, and a career that I have thoroughly enjoyed for 39 years—as town supervisor, as mayor. And as one of my colleagues back home said, and it is true, there is nothing more special than being elected mayor of your hometown.

Then to go to the New York State Assembly for 6 years, and then 20 years here in the United States Congress. And STEVE ISRAEL is right, when I am walking outside and I see the dome lit up at night, I still pinch myself that I am here, MIKE MCNULTY, an average guy, from Green Island, New York, population 2,500. When I was a young public official, I had a dream. This was it, and my dream came true.

I am especially grateful to my family, as others have pointed out, my wife of 37 years, Nancy; and our daughters, Michele, Angela, Nancy and Maria. I am especially grateful to them for the many sacrifices that they made so that I could pursue this career in public life, and all those of you who have families know what I am talking about. Thank you to our grandchildren, Teigin and Elijah, Lola, Morgyn and Daniel, for the joy they bring to us each and every day.

I send out a special message of love to Teigin tonight. She is in the hospital, and, hopefully, she will be right back in action very soon.

She was so proud to be here, standing right there in that spot at the beginning of this Congress, holding my hand when I stood up and voted to elect the first woman to serve as the

Speaker of the United States House of Representatives, NANCY PELOSI. That was a very special moment for me, for the country and for Teigin. So I have special thoughts for Teigin tonight.

I am grateful to the others that you have mentioned, my mom and dad, Madelon and Jack McNulty, and all of those who went before us, all the members of my family and to Frank and Lola Lazzaro, and all the members of Nancy's great family, for their steadfast support all through the years.

As I look back on my life and I look forward to the challenges that lie ahead, I just have to acknowledge how much has been given to me. I have to acknowledge all of the lucky breaks that I have had in my life and in my career.

In thankfulness and gratitude for that, I have tried, to the best of my ability, to give back. I shall always endeavor for the rest of my life to live according to the fundamental principle that life is to give, not to take.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S9439–S9557

Measures Introduced: Twenty-eight bills and one resolution were introduced, as follows: S. 3576–3603, and S. Res. 685. **Pages S9492–93**

Measures Reported:

H.R. 2963, to transfer certain land in Riverside County, California, and San Diego County, California, from the Bureau of Land Management to the United States to be held in trust for the Pechanga Band of Luiseno Mission Indians, with amendments. (S. Rept. No. 110–503)

H.R. 5680, to amend certain laws relating to Native Americans, with amendments. (S. Rept. No. 110–504)

S. 160, to provide for compensation to the Lower Brule and Crow Creek Sioux Tribes of South Dakota for damage to tribal land caused by Pick-Sloan projects along the Missouri River. (S. Rept. No. 110–505)

S. 2489, to enhance and provide to the Oglala Sioux Tribe and Angostura Irrigation Project certain benefits of the Pick-Sloan Missouri River basin program. (S. Rept. No. 110–506)

Report to accompany S. 2041, to amend the False Claims Act. (S. Rept. No. 110–507)

S. 3160, to reauthorize and amend the National Sea Grant College Program Act. (S. Rept. No. 110–508)

H.R. 1943, to provide for an effective HIV AIDS program in Federal prisons.

H.R. 2631, to strengthen efforts in the Department of Homeland Security to develop nuclear forensics capabilities to permit attribution of the source of nuclear material, with an amendment in the nature of a substitute.

H.R. 3971, to encourage States to report to the Attorney General certain information regarding the deaths of individuals in the custody of law enforcement agencies, with an amendment in the nature of a substitute.

S. Res. 659, designating September 27, 2008, as Alcohol and Drug Addiction Recovery Day.

S. 3477, to amend title 44, United States Code, to authorize grants for Presidential Centers of Historical Excellence, with amendments.

S. 3501, to ensure that Congress is notified when the Department of Justice determines that the Executive Branch is not bound by a statute.

Pages S9491–92

Measures Passed:

United States Supreme Court Police: Senate passed S. 3296, to extend the authority of the United States Supreme Court Police to protect court officials off the Supreme Court Grounds and change the title of the Administrative Assistant to the Chief Justice, after agreeing to the following amendment proposed thereto: **Page S9459**

Reid (for Kyl) Amendment No. 5645, to provide for a limitation on acceptance of honorary memberships by justices and judges. **Page S9459**

Michelle's Law: Committee on Health, Education, Labor, and Pensions was discharged from further consideration of H.R. 2851, to amend the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to ensure that dependent students who take a medically necessary leave of absence do not lose health insurance coverage, and the bill was then passed, clearing the measure for the President.

Page S9459

Social Security Act: Committee on Finance was discharged from further consideration of S. 3560, to amend title XIX of the Social Security Act to provide additional funds for the qualifying individual (QI) program, and the bill was then passed.

Pages S9459–61

Debbie Smith Reauthorization Act: Committee on the Judiciary was discharged from further consideration of H.R. 5057, to reauthorize the Debbie Smith DNA Backlog Grant Program, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Page S9461**

Reid (for Biden) Amendment No. 5646, in the nature of a substitute. **Page S9461**

Methamphetamine Production Prevention Act: Senate passed S. 1276, to facilitate the creation of

methamphetamine precursor electronic logbook systems, after agreeing to the committee amendment in the nature of a substitute. **Pages S9461–63**

National Aeronautics and Space Administration Authorization Act: Committee on Commerce, Science, and Transportation was discharged from further consideration of H.R. 6063, to authorize the programs of the National Aeronautics and Space Administration, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Pages S9471–73**

Nelson (FL)/Vitter Amendment No. 5648, in the nature of a substitute. **Page S9471**

Great Lakes Legacy Reauthorization Act: Senate passed H.R. 6460, to amend the Federal Water Pollution Control Act to provide for the remediation of sediment contamination in areas of concern, after agreeing to the following amendment proposed thereto: **Pages S9473–74**

Nelson (FL) (for Levin/Voinovich) Amendment No. 5649, to limit the duration of reauthorization. **Pages S9373–74**

Native American Housing Assistance and Self-Determination Reauthorization Act: Committee on Indian Affairs was discharged from further consideration of H.R. 2786, to reauthorize the programs for housing assistance for Native Americans, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Page S9474**

Nelson (FL) (for Dorgan) Amendment No. 5647, in the nature of a substitute. **Page S9474**

Combating Child Exploitation Act: Senate passed S. 1738, to require the Department of Justice to develop and implement a National Strategy Child Exploitation Prevention and Interdiction, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute child predators, after withdrawing the committee amendment in the nature of a substitute, and agreeing to the following amendments proposed thereto: **Pages S9544–48**

Durbin (for Biden) Amendment No. 5650, in the nature of a substitute. **Pages S9544–48**

Durbin (for Biden) Amendment No. 5651, to amend the title. **Page S9548**

Runaway and Homeless Youth Protection Act: Senate passed S. 2982, to amend the Runaway and Homeless Youth Act to authorize appropriations, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S9548–51**

Durbin (for Leahy) Amendment No. 5652, in the nature of a substitute. **Pages S9548–51**

Extend Waiver Authority: Senate passed H.R. 6890, to extend the waiver authority for the Secretary of Education under section 105 of subtitle A of title IV of division B of Public Law 109–148, relating to elementary and secondary education hurricane recovery relief, clearing the measure for the President. **Page S9551**

Defense Production Act Extension and Reauthorization: Senate passed H.R. 6894, to extend and reauthorize the Defense Production Act of 1950, clearing the measure for the President. **Pages S9551–52**

Need-Based Educational Aid Act: Committee on the Judiciary was discharged from further consideration of H.R. 1777, to amend the Improving America's Schools Act of 1994 to make permanent the favorable treatment of need-based educational aid under the antitrust laws, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Page S9552**

Durbin (for Leahy/Hatch) Amendment No. 5653, to amend the Improving America's Schools Act of 1994 to extend the favorable treatment of need-based educational aid under the antitrust laws. **Page S9552**

White Mountain Apache Tribe Rural Water System Loan Authorization Act: Senate passed S. 3128, to direct the Secretary of the Interior to provide a loan to the White Mountain Apache Tribe for use in planning, engineering, and designing a certain water system project, after agreeing to the committee amendment in the nature of a substitute. **Pages S9552–53**

Community Food Projects: Senate passed S. 3597, to provide that funds allocated for community food projects for fiscal year 2008 shall remain available until September 30, 2009. **Page S9553**

Submersible Vessels and Semi-Submersible Vessels: Senate passed S. 3598, to amend titles 46 and 18, United States Code, with respect to the operation of submersible vessels and semi-submersible vessels without nationality. **Pages S9553–54**

Appointments:

Commission on the Abolition of the Transatlantic Slave Trade: The Presiding Officer announced that the Minority Leader, pursuant to Public Law 110–183, appointed the following individual as a member of the Commission on the Abolition of the Transatlantic Slave Trade: Mark Rodgers, of Virginia. **Page S9557**

Federal Protective Service Guard Contracting Reform Act—Agreement: A unanimous-consent agreement was reached providing that the Secretary of the Senate be authorized to request the return of the papers on H.R. 3068, to prohibit the award of contracts to provide guard services under the contract security guard program of the Federal Protective Service to a business concern that is owned, controlled, or operated by an individual who has been convicted of a felony, from the House of Representatives. **Page S9474**

Department of Homeland Security Appropriations Act—Agreement: A unanimous consent agreement was reached providing that with respect to the message from the House of Representatives to accompany H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, that if the motion to invoke cloture is filed on the motion to concur in the House amendment with a technical amendment on Friday, September 26, 2008, it be as though the cloture motion was filed on Thursday, September 25, 2008; provided further, that the mandatory cloture vote under Rule XXII be waived and the vote occur on Saturday, September 27, 2008, at a time to be determined. **Page S9557**

Treaties Approved: The following treaties having passed through their various parliamentary stages, up to and including the presentation of the resolution of ratification, upon division, two-thirds of the Senators present having voted in the affirmative, the resolutions of ratification were agreed to:

Land-Based Sources Protocol to Cartagena Convention (Treaty Doc. 110–1) with 2 declarations;

International Convention for Suppression of Acts of Nuclear Terrorism (Treaty Doc. 110–4) with 1 reservation, 4 understandings, and 1 declaration;

Amendment to Convention on Physical Protection of Nuclear Material (Treaty Doc. 110–6) with 1 reservation, 3 understandings, and 1 declaration;

Protocols of 2005 to the Convention concerning Safety of Maritime Navigation and to the Protocol concerning Safety of Fixed Platforms on the Continental Shelf (Treaty Doc. 110–8) with reservations, understandings, and declarations;

The Hague Convention (Treaty Doc. 106–1(A)) with 4 understandings and 1 declaration;

Protocols to the North Atlantic Treaty of 1949 on Accession of Albania and Croatia (Treaty Doc. 110–20) with 1 declaration and 1 condition for each Protocol;

Amendments to Constitution and Convention of International Telecommunication Union (ITU) (Geneva 1992) (Treaty Doc. 108–5) with declarations and reservations;

2002 Amendments to the ITU Constitution and Convention (Treaty Doc. 109–11) with declarations and reservations; and

Amendments to the Constitution and Convention of the International Telecommunication Union (Geneva, 1992) (Treaty Doc. 110–16) with declarations and reservations. **Pages S9554–57**

Nominations Discharged: The following nominations were discharged from further committee consideration and placed on the Executive Calendar:

Gracia M. Hillman, of the District of Columbia, to be a Member of the Election Assistance Commission for a term expiring December 12, 2009, which was sent to the Senate on June 13, 2007, from the Senate Committee on Rules and Administration.

Donetta Davidson, of Colorado, to be a Member of the Election Assistance Commission for a term expiring December 12, 2011, which was sent to the Senate on May 8, 2008, from the Senate Committee on Rules and Administration.

Rosemary E. Rodriguez, of Colorado, to be a Member of the Election Assistance Commission for a term expiring December 12, 2011, which was sent to the Senate on May 8, 2008, from the Senate Committee on Rules and Administration.

Gineen Bresso Beach, of New York, to be a Member of the Election Assistance Commission for the remainder of the term expiring December 12, 2009, which was sent to the Senate on July 31, 2008, from the Senate Committee on Rules and Administration.

Mark Everett Keenum, of Mississippi, to be a Member of the Farm Credit Administration Board, Farm Credit Administration for a term expiring May 21, 2014, which was sent to the Senate on June 26, 2008, from the Senate Committee on Agriculture, Nutrition, and Forestry. **Page S9557**

Messages From the House: **Pages S9487–88**

Measures Referred: **Page S9488**

Enrolled Bills Presented: **Page S9488**

Executive Communications: **Pages S9488–91**

Executive Reports of Committees: **Page S9492**

Additional Cosponsors: **Pages S9493–94**

Statements on Introduced Bills/Resolutions: **Pages S9494–S9519**

Additional Statements: **Pages S9483–87**

Amendments Submitted: **Pages S9519–43**

Authorities for Committees to Meet: **Pages S9543–44**

Privileges of the Floor: **Page S9544**

Recess: Senate convened at 9:30 a.m. and recessed at 9:22 p.m., until 9:30 a.m. on Friday, September 26, 2008. (For Senate's program, see the remarks of

the Acting Majority Leader in today's Record on page S9557.)

Committee Meetings

(Committees not listed did not meet)

SERE TECHNIQUES

Committee on Armed Services: Committee concluded a hearing to examine the authorization of Survival Evasion Resistance and Escape (SERE) techniques for interrogations in Iraq, focusing on the Committee's inquiry into the treatment of detainees in United States custody, after receiving testimony from Colonel Steven M. Kleinman, USAFR, former Director of Intelligence, Personnel Recovery Academy, and Colonel John R. Moulton II, USAF (Ret.), former Commander, both of the Joint Personnel Recovery Agency, United States Joint Forces Command, Department of Defense.

CONSUMER PRIVACY

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine broadband internet service providers and consumer privacy, focusing on online advertising, after receiving testimony from Dorothy Attwood, AT&T, Inc., San Antonio, Texas; Peter Stern, Time Warner Cable, Stamford, Connecticut; and Thomas J. Tauke, Verizon Communications, and Gigi B. Sohn, Public Knowledge, both of Washington, D.C.

SUPERFUND SITE

Committee on Environment and Public Works: Committee concluded an oversight hearing to examine the Environmental Protection Agency's (EPA) cleanup of the Superfund site in Libby, Montana, after receiving testimony from Stephen J. Nesbitt, Assistant Inspector General for Investigations, Office of Inspector General, Environmental Protection Agency; and Brad Black, Center for Asbestos Related Disease, and Marianne Roose, Board of Commissioners, both of Libby, Montana.

MIDDLE EAST PEACE PROCESS

Committee on Foreign Relations: Subcommittee on Near Eastern and South and Central Asian Affairs concluded a hearing to examine the Middle East peace process, focusing on progress and prospects, after receiving testimony from David Welch, Assistant Secretary of State for Near Eastern Affairs.

PREVENTING NUCLEAR TERRORISM

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine ways to prevent nuclear terrorism, focusing on radiation detection portal monitors as key elements in the national defenses against the threats of nuclear smuggling, after receiving testimony from Gene Aloise, Director, Natural Resources and Environment, Government Accountability Office; Vayl S. Oxford, Director, Domestic Nuclear Detection Office, and Thomas S. Winkowski, Assistant Commissioner, Office of Field Operations, U.S. Customs and Border Protection, both of the Department of Homeland Security; Thomas B. Cochran, Natural Resources Defense Council, Inc., Washington, D.C.; and Richard L. Wagner, Jr., Center for the Study of the Presidency, McLean, Virginia.

WEAPONS SYSTEMS

Committee on Homeland Security and Governmental Affairs: Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security concluded a hearing to examine the cost growth of major Department of Defense (DOD) weapons systems, focusing on fundamental changes that are needed to improve weapon program outcomes, after receiving testimony from James I. Finley, Deputy Under Secretary of Defense for Acquisition and Technology; Michael J. Sullivan, Director, Acquisition and Sourcing Management, Government Accountability Office; and Steven L. Schooner, George Washington University Law School Government Procurement Law Program, and Clark Murdock, Center for Strategic and International Studies, both of Washington, D.C.

BUSINESS MEETING

Committee on Indian Affairs: Committee ordered favorably reported S. 3355, to authorize the Crow Tribe of Indians water rights settlement.

RECOGNITION BILLS

Committee on Indian Affairs: Committee concluded a hearing to examine S. 724, to extend the Federal recognition to the Little Shell Tribe of Chippewa Indians of Montana, S. 514, to extend Federal recognition to the Muscogee Nation of Florida, S. 1058, to expedite review of the Grand River Bands of Ottawa Indians of Michigan to secure a timely and just determination of whether the Bands are entitled to recognition as a Federal Indian tribe so that the Bands may receive eligible funds before the funds are no longer available, and H.R. 1294, to extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe-Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe, after receiving testimony from Senator Webb; Representative Moran; Virginia Governor Timothy M. Kaine, Richmond; R. Lee Fleming, Director, Office of Federal Acknowledgment, Department of the Interior; John Sinclair, Little

Shell Tribe of Chippewa Indians of Montana, Great Falls; Ann Denson Tucker, Muscogee Nation of Florida, Bruce; Ron Yob, Grand River Bands of Ottawa Indians, Grand Rapids, Michigan; and Helen C. Rountree, Old Dominion University, Norfolk, Virginia.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following:

H.R. 3971, to encourage States to report to the Attorney General certain information regarding the deaths of individuals in the custody of law enforcement agencies, with an amendment in the nature of a substitute;

S. 3501, to ensure that Congress is notified when the Department of Justice determines that the Executive Branch is not bound by a statute;

H.R. 1943, to provide for an effective HIV/AIDS program in Federal prisons;

S. Res. 659, A resolution designating September 27, 2008, as Alcohol and Drug Addiction Recovery Day; and

The nominations of Clark Waddoups, to be United States District Judge for the District of Utah, Michael M. Anello, to be United States District Judge for the Southern District of California, Mary Stenson Scriven, to be United States District Judge for the Middle District of Florida, Christine M. Arguello, to be United States District Judge for the District of Colorado, Philip A. Brimmer, to be United States District Judge for the District of Colorado, Gregory G. Garre, of Maryland, to be Solicitor General of the United States, George W. Venables, to be United States Marshal for the Southern District of California, A. Brian Albritton, to be United States Attorney for the Middle District of Florida, C. Darnell Jones II, to be United States District Judge for the Eastern District of Pennsylvania, Mitchell S. Goldberg, to be United States District Judge for the Eastern District of Pennsylvania, Joel H. Slomsky, to be United States District Judge for the Eastern District of Pennsylvania, Eric F. Melgren, to be United States District Judge for the District of Kansas, and Anthony John Trenga, to be United States District Judge for the Eastern District of Virginia, all of the Department of Justice.

Also, Committee approved the authorization for subpoenas relating to the Department of Justice Office of Legal Counsel.

NOMINATIONS

Committee on Rules and Administration: Committee concluded a hearing to examine the nominations of Gracia M. Hillman, of the District of Columbia, Donetta Davidson, of Colorado, Rosemary E. Rodriguez, of Colorado, and Gineen Bresso Beach, of New York, each to be a Member of the Election Assistance Commission, after the nominees, who were introduced by Senator Feinstein, testified and answered questions in their own behalf.

NOMINATION

Select Committee on Intelligence: Committee concluded a hearing to examine the nomination of J. Patrick Rowan, of Maryland, to be an Assistant Attorney General, after the nominee testified and answered questions in his own behalf.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 50 public bills, H.R. 7060–7109; and 9 resolutions, H. Con. Res. 429–433; and H. Res. 1499, 1504–1506, were introduced. **Pages H9972–74**

Additional Cosponsors: **Pages H9974–75**

Reports Filed: Reports were filed today as follows:

H. Res. 1500, providing for consideration of motions to suspend the rules (H. Rept. 110–883);

H. Res. 1501, providing for consideration of the bill (H.R. 7060) to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, and to provide individual income tax relief (H. Rept. 110–884);

Report of the Select Committee to Investigate the Voting Irregularities of August 2, 2007 (H. Rept. 110–885);

H.R. 6339, to amend title 5, United States Code, to provide additional leave for Federal employees to serve as poll workers, and to direct the Election Assistance Commission to make grants to States for poll worker recruitment and training, with an amendment (H. Rept. 110–886, Pt. 1);

H. Res. 1502, providing for consideration of the bill (H.R. 7060) to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring

provisions, and to provide individual income tax relief (H. Rept. 110–887);

H. Res. 1503, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (H. Rept. 110–888);

H.R. 1157, to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer, with an amendment (H. Rept. 110–889); and

H.R. 6474, to authorize the Chief Administrative Officer of the House of Representatives to carry out a series of demonstration projects to promote the use of innovative technologies in reducing energy consumption and promoting energy efficiency and cost savings in the House of Representatives (H. Rept. 110–890). **Pages H9971–72**

Speaker: Read a letter from the Speaker wherein she appointed Representative Tauscher to act as Speaker pro tempore for today. **Page H9871**

Providing for consideration of motions to suspend the rules: The House agreed to H. Res. 1491, to provide for consideration of motions to suspend the rules, by voice vote. **Pages H9874–77**

Recess: The House recessed at 11:34 a.m. and reconvened at 12:05 p.m. **Page H9886**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Breast Cancer and Environmental Research Act of 2008: H.R. 1157, amended, to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer; **Pages H9912–13**

Tom Lantos Pulmonary Hypertension Research and Education Act of 2008: H.R. 6568, amended, to direct the Secretary of Health and Human Services to encourage research and carry out an educational campaign with respect to pulmonary hypertension; **Pages H9914–16**

Prenatally and Postnatally Diagnosed Conditions Awareness Act: S. 1810, to amend the Public Health Service Act to increase the provision of scientifically sound information and support services to patients receiving a positive test diagnosis for Down syndrome or other prenatally and postnatally diagnosed conditions—clearing the measure for the President; **Pages H9918–20**

Supporting the goals and ideals of Tay-Sachs Awareness Month: H. Res. 1333, amended, to support the goals and ideals of Tay-Sachs Awareness Month; **Pages H9922–23**

Health Centers Renewal Act of 2008: Agreed to the Senate amendment to H.R. 1343, to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act—clearing the measure for the President; **Pages H9923–26**

Travel Promotion Act of 2008: H.R. 3232, amended, to establish a non-profit corporation to communicate United States entry policies and otherwise promote tourist, business, and scholarly travel to the United States; and **Pages H9929–34**

Calling Card Consumer Protection Act: H.R. 3402, amended, to require accurate and reasonable disclosure of the terms and conditions of prepaid telephone calling cards and services. **Pages H9935–38**

Suspensions—Proceedings Postponed: The House debated the following measures under suspension of the rules. Further proceedings were postponed:

Improving Government Accountability Act: Agree to the Senate amendment to H.R. 928, to amend the Inspector General Act of 1978 to enhance the independence of the Inspectors General and to create a Council of the Inspectors General on Integrity and Efficiency; **Pages H9877–82**

Senior Professional Performance Act of 2008: S. 1046, to modify pay provisions relating to certain senior-level positions in the Federal Government; **Pages H9882–84**

Bulletproof Vest Partnership Grant Act of 2008: H.R. 6045, to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to extend the authorization of the Bulletproof Vest Partnership Grant Program through fiscal year 2012; **Pages H9884–86**

Expressing the sense of Congress that the President should grant a posthumous pardon to John Arthur "Jack" Johnson: H. Con. Res. 214, to express the sense of Congress that the President should grant a posthumous pardon to John Arthur "Jack" Johnson for the 1913 racially motivated conviction of Johnson, which diminished his athletic, cultural, and historic significance, and tarnished his reputation; **Pages H9886–87**

Effective Child Pornography Prosecution Act: Agree to the Senate amendment to H.R. 4120, to amend title 18, United States Code, to provide for more effective prosecution of cases involving child pornography; **Pages H9887–89**

ALS Registry Act: S. 1382, to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry; and **Pages H9916–17**

Poison Center Support, Enhancement, and Awareness Act of 2008: S. 2932, to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program to provide assistance for poison prevention, sustain the funding of poison centers, and enhance the public health of people of the United States. **Pages H9920–22**

Waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules: The House agreed to H. Res. 1490, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, by a recorded vote of 222 ayes to 198 noes, Roll No. 638, after agreeing to order the previous question by a yea-and-nay vote of 227 yeas to 198 nays, Roll No. 637. **Pages H9889–96**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures which were debated on Tuesday, September 23rd:

Code Talkers Recognition Act of 2008: H.R. 4544, amended, to require the issuance of medals to recognize the dedication and valor of Native American code talkers; **Page H9889**

Breast Cancer Patient Protection Act of 2008: H.R. 758, amended, to require that health plans provide coverage for a minimum hospital stay for mastectomies, lumpectomies, and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations, by a ⅔ yea-and-nay vote of 421 yeas to 2 nays, Roll No. 639; **Page H9896**

Expressing the sense of Congress regarding the United States commitment to preservation of religious and cultural sites and condemning instances where sites are desecrated: H. Con. Res. 255, amended, to express the sense of Congress regarding the United States commitment to preservation of religious and cultural sites and condemning instances where sites are desecrated, by a ⅔ yea-and-nay vote of 414 yeas with 1 voting "nay", Roll No. 641; **Pages H9911–12**

Organ Transplant Authorization Act of 2008: H.R. 6469, amended, to amend the Public Health Service Act to authorize increased Federal funding for the Organ Procurement and Transplantation Network; **Page H9913**

Meth Free Families and Communities Act: H.R. 6901, amended, to amend the Public Health Service Act to provide for the establishment of a drug-free workplace information clearinghouse, to support residential methamphetamine treatment programs for pregnant and parenting women, and to improve the prevention and treatment of methamphetamine addiction; **Page H9913**

Heart Disease Education, Analysis Research, and Treatment for Women Act: H.R. 1014, to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women, by a ⅔ recorded vote of 418 ayes to 4 noes, Roll No. 642; and **Page H9927**

Stephanie Tubbs Jones Gift of Life Medal Act of 2008: H.R. 6950, to establish the Stephanie Tubbs Jones Gift of Life Medal for organ donors and the family of organ donors, by a ⅔ yea-and-nay vote of 420 yeas to 1 nay, Roll No. 643. **Pages H9927–28**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures which were debated on Wednesday, September 24th:

First Lieutenant Noah Harris Ellijay Post Office Building Designation Act: H.R. 6847, to designate the facility of the United States Postal Service located at 801 Industrial Boulevard in Ellijay, Georgia, as the "First Lieutenant Noah Harris Ellijay Post Office Building" and **Page H9913**

Solemnly commemorating the 25th anniversary of the tragic October 1983 terrorist bombing of the United States Marine Corps Barracks in Beirut, Lebanon and remembering those who lost their lives and those who were injured: H. Res. 1421, amended, to solemnly commemorate the 25th anniversary of the tragic October 1983 terrorist bombing of the United States Marine Corps Barracks in Beirut, Lebanon and to remember those who lost their lives and those who were injured, by a ⅔ yea-and-nay vote of 414 yeas with none voting "nay", Roll No. 644. **Pages H9928–29**

Making a technical correction in the NET 911 Improvement Act of 2008: The House agreed to discharge from committee and pass H.R. 6946, to make a technical correction in the NET 911 Improvement Act of 2008. **Page H9926**

Order of Procedure: The House agreed by unanimous consent that the motions to suspend the rules relating to the following measures be considered as adopted in the form considered by the House on Tuesday, September 23rd:

Recognizing the 10th anniversary of the terrorist bombings of the United States embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania, and the memorializing of the citizens and families of the United States, the Republic of Kenya, and the United Republic of Tanzania whose lives were lost and injured as a result of these attacks: H. Res. 1461, amended, to recognize the 10th anniversary of the terrorist bombings of the United States embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania, and the memorializing of the citizens and families of the United States, the Republic of Kenya, and the United Republic of Tanzania whose lives were lost and injured as a result of these attacks; **Page H9938**

Agreed to amend the title so as to read: ''Recognizing the 10th anniversary of the terrorist bombings of the United States embassies in Nairobi, Kenya and Dar es Salaam, Tanzania, and memorializing the citizens and families of the United States, the Republic of Kenya, and the United Republic of Tanzania whose lives were lost or suffered injury as a result of these attacks.''. **Page H9938**

Supporting the goals and ideals of "National Sudden Cardiac Arrest Awareness Month": H. Con. Res. 393, to support the goals and ideals of ''National Sudden Cardiac Arrest Awareness Month''; **Page H9938**

Designating the month of March 2008 as "MRSA Awareness Month": H. Res. 988, amended, to designate the month of March 2008 as ''MRSA Awareness Month''; and **Page H9938**

Family Self-Sufficiency Act: H.R. 3018, to provide for payment of an administrative fee to public housing agencies to cover the costs of administering family self-sufficiency programs in connection with the housing choice voucher program of the Department of Housing and Urban Development. **Page H9938**

Recess: The House recessed at 6:29 p.m. and reconvened at 6:58. **Page H9938**

Renewable Energy and Job Creation Tax Act of 2008—Rule for Consideration: The House began consideration of the rule that is providing for consideration of H.R. 7060, to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, and to provide individual income tax relief. Further proceedings on the rule were postponed. **Pages H9938–47**

Earlier, it was agreed by unanimous consent to vacate the proceedings on both ordering the previous question and on adoption of H. Res. 1501, providing for consideration of the bill (H.R. 7060) to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, and to provide individual income tax relief. Subsequently, H. Res. 1501 was withdrawn. **Pages H9896–H9911**

Senate Messages: Messages received from the Senate today appear on pages H9871, H9934–35, and H9961.

Senate Referrals: S. 2840 was referred to the Committee on the Judiciary; S. 3550 was referred to the Committee on Natural Resources; S. 3560 was referred to the Committee on Energy and Commerce; S. 1276 was referred to the Committee on Energy and Commerce and the Committee on the Judiciary; and S. 3296 was held at the desk. **Page H9969**

Quorum Calls—Votes: Five yea-and-nay votes and two recorded votes developed during the proceedings of today and appear on pages H9895, H9895–96, H9896, H9911–12, H9927, H9927–28, and H9928–29. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 10:22 p.m.

Committee Meetings

ADVANCES IN ANIMAL HEALTH WITHIN THE LIVESTOCK INDUSTRY

Committee on Agriculture: Subcommittee on Livestock, Dairy, and Poultry held a hearing to review advances in animal health within the livestock industry. Testimony was heard from John Clifford, D.V.M., Deputy Administrator, Animal and Plant Health Inspection Service, USDA; Bernadette Dunham, D.V. M., Director, Center for Veterinary Medicine, FDA, Department of Health and Human Services; and public witnesses.

BUDGET REFORM PROPOSALS FOR THE 111TH CONGRESS

Committee on the Budget: Held a hearing on Budget Reform Proposals for the 111th Congress. Testimony was heard from public witnesses.

SAFEGUARDING RETIREE BENEFITS

Committee on Education and Labor: Held a hearing on Safeguarding Retiree Benefits. Testimony was heard from public witnesses.

CONTINUING SECURITY CONCERNS AT DOE'S NATIONAL LABS

Committee on Energy and Commerce, Subcommittee on Oversight and Investigations held a hearing to Review of Continuing Security Concerns at DOE's National Labs. Testimony was heard from the following officials of the Department of Energy: Glenn S.

Podonsky, Chief Health, Safety and Security Officer, Office of Health, Safety and Security; Gregory H. Friedman, Inspector General; Linda Wilbanks, Chief Information Officer, National Nuclear Security Administration; Thomas N. Pyke, Jr., Chief Information Officer; Bradley A. Peterson, Chief and Associate Administrator, Defense Nuclear Security, National Nuclear Security Administration; and Stanley J. Borgia, Deputy Director, Counterintelligence, Office of Intelligence and Counterintelligence; Gregory C. Wilshusen, Director, Information Security Issues, GAO; and public witnesses.

OVERSIGHT

Committee on Financial Services: Held an oversight hearing to Examine Recent Treasury and FHFA Actions Regarding the Housing GSE's. Testimony was heard from James B. Lockart III, Director Federal Housing Finance Agency, Department of Housing and Urban Development; Herbert M. Allison, Jr., President and CEO; Fannie Mae; and David M. Moffett, CEO, Freddie Mac.

INTERIM AUTHORITY RESOLUTION AND REGULATIONS GOVERNING MASS MAILING AND MASS COMMUNICATIONS

Committee on House Administration: Committee passed an Interim Authority Committee resolution and amendments to Committee Regulations governing Mass Mailing and Mass Communications.

ENSURING THE RIGHT OF COLLEGE STUDENTS TO VOTE

Committee on House Administration: held a hearing on Ensuring the Rights of College Students to Vote. Testimony was heard from Representative Schakowsky; Sheri Iachetta, Registrar, City of Charlottesville, Virginia; Neil Albrecht, Assistant Director, City of Milwaukee Election Commission, State of Wisconsin; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Natural Resources, Subcommittee on Water and Power held a hearing on the following legislation: H.R. 883, Oglala Sioux Tribe Angostura Irrigation Project Modernization and Development Act; H.R. 6754, White Mountain Apache Tribe Rural Water System Loan Authorization Act; H.R. 6768, To authorize the Secretary of the Interior, acting through the Commissioner of Reclamation, to develop water infrastructure in the Rio Grande Basin, and to approve the settlement of the water rights claims of the Pueblos of Nambe, Pojoaque, San Ildefonso, Tesuque, and Taos; and H.R. 6992, Reclamation Title Transfer Act of 2008. Testimony was heard from the following officials of the Department of the Interior: Kris Polly, Deputy Assistant Secretary, Water and Science; and Michael Bogert, Counselor to the Secretary; and public witness.

TUMORS AND CELL PHONE USE

Committee on Oversight and Government Reform: Subcommittee on Domestic Policy held a hearing on Tumors and Cell Phone use: What the Science says. Testimony was heard from Julius Knapp, Director, Office of Engineering and Technology, FCC; Robert N. Hoover, M.D., Director, Epidemiology and Biostatistics Program, National Cancer Institute, NIH, Department of Health and Human Services; and public witnesses.

RENEWABLE ENERGY AND JOB CREATION TAX ACT

Committee on Rules: Granted, by a non-record vote, a rule providing for consideration of H.R. 7060, the "Renewable Energy and Job Creation Tax Act of 2008." The rule provides 1 hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means.

The rule waives all points of order against consideration of the bill except those arising under clause 10 of rule XXI. The rule provides that the bill shall be considered as read. The rule waives all points of order against the bill.

The rule provides one motion to recommit with or without instructions. Notwithstanding the operation of the previous question, the Chair may postpone further consideration until a time designated by the Speaker. Finally, the rule lays on the table House Resolution 1489. Testimony was heard from Representative Blumenauer.

COMMITTEE MEETINGS THE "RENEWABLE ENERGY AND JOB CREATION TAX ACT OF 2008."

Committee on Rules: Granted, by a record vote of 8 to 3, a rule providing for consideration of H.R. 7060, the "Renewable Energy and Job Creation Tax Act of 2008." The rule provides one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The rule waives all points of order against consideration of the bill except those arising under clause 10 of rule XXI. The rule provides that the bill shall be considered as read. The rule waives all points of order against the bill. The rule provides one motion to recommit with or without instructions. Notwithstanding the operation of the previous question, the Chair may postpone further consideration until a time designated by the Speaker. Finally, the rule lays on the table House Resolutions 1489 and 1501.

PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Committee on Rules: Granted, by a non-record vote, a rule authorizing the Speaker to entertain motions that the House suspend the rules at any time through the calendar day of September 28, 2008. The Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this rule.

WAIVING A REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM THE COMMITTEE ON RULES

Committee on Rules: Granted, by a non-record vote, a rule waiving clause 6(a) of rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) against certain resolutions reported from the Rules Committee. The rule applies the waiver to any resolution reported on the legislative day of September 26, 2008, providing for consideration or disposition of a measure making supplemental appropriations for job creation and preservation, infrastructure investment, and economic and energy assistance for the fiscal year ending September 30, 2009, and for other purposes.

SMALL BUSINESS COMPETITION POLICY

Committee on Small Business: Held a hearing on Small Business Competition Policy: Are Markets Open for Entrepreneurs? Testimony was heard from William E. Kovacic, Chairman, FTC; and public witnesses.

RUNWAY SAFETY: AN UPDATE

Committee on Transportation and Infrastructure: Subcommittee on Aviation held a hearing on Runway Safety: An Update. Testimony was heard from Hank Krakowshi, Chief Operating Officer, Air Traffic Organization, FAA, Department of Transportation; Gerald Dillingham, Director, Physical Infrastructure Issues, GAO; and public witnesses.

COMMITTEE BUSINESS

Permanent Select Committee on Intelligence: Met in open and executive sessions to consider pending business.

BRIEFING ON HOT SPOTS

Permanent Select Committee on Intelligence: Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence met in executive session to receive a briefing on Hot Spots. The Subcommittee was briefed by departmental witnesses.

FUTURE OF LIHEAP FUNDING

Select Committee on Energy Independence and Global Warming: Held a hearing on The Future of LIHEAP Funding: Will Families Get The Cold Shoulder this Winter? Testimony was heard from Howard Gruenspecht, Acting Administrator, Energy Information Administration, Department of Energy; Deval Patrick, Governor, State of Massachusetts; and public witnesses.

FINAL REPORT—SELECT COMMITTEE TO INVESTIGATE VOTING IRREGULARITIES OF AUGUST 2, 2007

Select Committee To Investigate the Voting Irregularities of August 2, 2007: The Select Committee approved the Final Report and Summary of Activities of the Select Committee.

Joint Meetings

AMERICAN FAMILIES LIVING IN POVERTY

Joint Economic Committee: Committee concluded a hearing to examine ways to reduce the number of American families living in poverty, after receiving testimony from Mayor David N. Cicilline, Providence, Rhode Island; Rebecca M. Blank, Brookings Institution, and Robert Rector, Heritage Foundation Domestic Policy Studies, both of Washington, D.C.; Angela Glover Blackwell, PolicyLink, Oakland, California; and John W. Edwards, Jr., Community Action Partnership, Inc., Jacksonville, Florida, on behalf of the Northeast Florida Community Action Agency, Inc.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D1132)*

S. 2617, to amend title 38, United States Code, to codify increases in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans that were effective as of December 1, 2007, to provide for an increase in the rates of such compensation effective December 1, 2008. Signed on September 24, 2008. (Public Law 110–324)

S. 3406, to restore the intent and protections of the Americans with Disabilities Act of 1990. Signed on September 25, 2008. (Public Law 110–325)

COMMITTEE MEETINGS FOR FRIDAY, SEPTEMBER 26, 2008

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, hearing on Lehman Brothers, Sharper Image, Bennigan's, and Beyond: Is Chapter 11 Bankruptcy Working? 10 a.m., 2141 Rayburn.

Next Meeting of the SENATE
9:30 a.m., Friday, September 26

Senate Chamber

Program for Friday: Senate will be in a period of morning business.

Next Meeting of the HOUSE OF REPRESENTATIVES
9 a.m., Friday, September 26

House Chamber

Program for Friday: To be announced.

Extensions of Remarks, as inserted in this issue

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